



**FACULTY OF LAW  
AND LEGAL PRACTICE**

**HANDBOOK ♦ 1992**

**UNIVERSITY OF TECHNOLOGY, SYDNEY**

**FACULTY OF LAW AND LEGAL PRACTICE**

**HANDBOOK 1992**

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**\* EQUAL OPPORTUNITY \***

It is the policy of the University of Technology, Sydney, to provide equal opportunity for all persons regardless of race, sex, marital status, physical disability or sexual preference.

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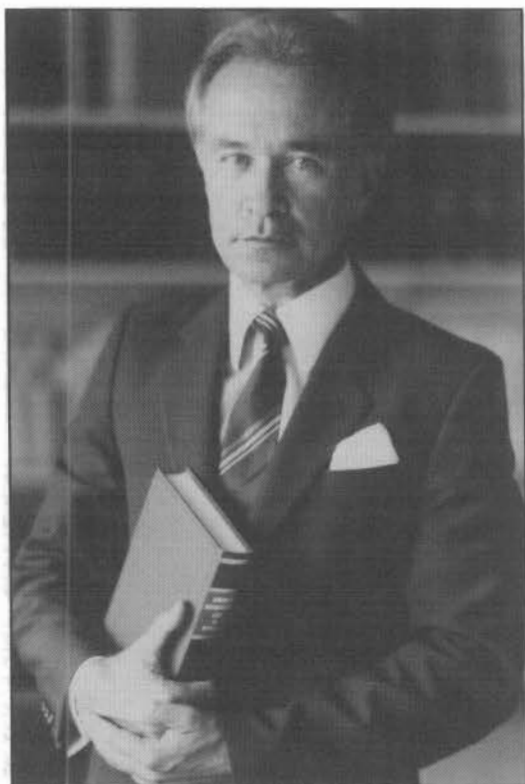
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## MESSAGE FROM THE DEAN

The Faculty of Law consists of two schools, the School of Law in the City and at Kuring-gai, and the School of Legal Practice, the College of Law at St. Leonards.

The School of Law had its beginnings in 1975 when the then New South Wales Institute of Technology was invited by the New South Wales government to offer an undergraduate course in law. That course has stood the test of time, and may be distinguished in a number of aspects from other law degrees.

These include the skills programme, a particularly strong professional core and features which indicate the Faculty's willingness to accommodate itself to the needs of mature students particularly those in employment. The School has since developed joint degree programmes with the Faculty of Business and Faculty of Science and also offers graduate programmes, including the LL.M by coursework, a Graduate Diploma in Industrial Property, and a new doctoral programme, the first in Australia, the SJD.

Through its International and Commercial Law Centre, the School publishes Lawasia and the Australian International Law News.

In 1990, as a result of the merger of the University of Technology, Sydney with the Kuring-gai College of Advanced Education, the departments of Business Law in the City, and of Legal Studies at Kuring-gai were incorporated with the School. This meant that the new School would also undertake supply programmes in other faculties, particularly the Faculty of Business. In addition, a new relationship resulted with the College of Law, which had been founded in 1972, and was subsequently affiliated with Kuring-gai. The College has over the years achieved an international reputation as the provider of practical legal training. It became, in 1990, the School of Legal Practice within the new Faculty of Law and Legal Practice.

I have particular pleasure in welcoming new students, and enrolling students to the School and the Faculty. On behalf of the staff, academic and administrative, I would wish to assure you that it is our wish to see your stay with us as pleasant as possible, and that you successfully complete your academic programmes.



David Flint



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- M. Fitzsimmons Dip Law (SAB), Solicitor of the Supreme Court of N.S.W.
- M. Russell B A, LL B (Syd), Solicitor of the Supreme Court of N.S.W.
- M. Soo LL B (Syd), Solicitor of the Supreme Court of N.S.W.
- S. Wolfe B A, LL B (Syd), Solicitor of the Supreme Court of N.S.W.
- Administrative Staff of the School of Legal Practice - The College of Law**
- J. Johns Administration Manager, B A (UNE), M A (Macq), Grad Dip Bus (UNE).
- C. Denison Course Co-ordinator.
- M. Gates Administrative Assistant.
- V. Cooper Administrative Assistant.
- S. Enfield Administrative Assistant, B A (Macq).
- J. Groat Administrative Assistant.
- R. Wyllie Administrative Assistant, B A (Syd).
- Vacant Records Management Clerk.
- Vacant Switchboard Operator.
- S. Kavanagh Publications Officer, B A (Syd).
- Vacant Building Manager.
- L. Vatalis Attendant.
- Staff of the School of Legal Practice Library**
- E. Seitsma Librarian.
- Vacant Assistant Library Technician.
- G. Karsai Assistant Library Technician.

## THE FACULTY OF LAW

The Faculty of Law was formally established in 1975 and commenced teaching in 1977. The Faculty consists of the School of Practical Legal Training (the College of Law) an affiliated body situated at St. Leonards campus, and the School of Law which offers an undergraduate course leading to the degree of Bachelor of Laws LL B. The School also services subjects in Business Law and Legal Studies. The LL B course provides opportunities for part-time study to those wishing to obtain professional qualifications in law and who are not able to undertake full-time studies. The course is structured to ensure that graduates will satisfy the basic academic requirements of the Supreme Court of N.S.W. for admission as a solicitor (following the completion of the practical legal training course offered by the College of Law), or as a barrister.

## SCHOOL OF LAW - LL B PROGRAMME

### 1. THE UNDERGRADUATE (LL B) PROGRAMME

#### Course Objectives

The objective of the course is to enable students to reach a stage of creativity at which they have sufficient knowledge and sufficient ability to seek their own solutions to legal problems; solutions which they can justify in legal terms by using the legal materials at their disposal in a professional way.

Australia has a highly complex legal system, and as society has developed, so has the role of the lawyer. The range of knowledge and skill which lawyers now require is extensive. Today lawyers are increasingly called upon to act as negotiators to settle matters, to advise and counsel parties. The function of the lawyer also includes foreseeing problems and preventing the incident of disputation as well as resolving disputes when they cannot be avoided. The course is concerned with the total range of functions of lawyers in the community. A preventative emphasis will also be apparent in the teaching of the various subjects throughout the course. Consideration will be given to how a person can organise his or her affairs so as to anticipate and avoid potential disputes. In this regard,

consideration will be given to the application of more than one and sometimes conflicting rules to a particular set of facts.

The primary object is not to produce specialists in any particular field of law. Although a degree of specialisation is allowed for in the provision of elective subjects, the view taken is that specialisation is something which comes later. The aim of the law course is to provide a basis upon which subsequent specialisation can be built.

The subjects have been selected on the basis of two criteria: to provide (a) an overview of the legal system as a whole, and (b) an opportunity for the student to practise legal skills in differing contexts. The subjects are introductions, not to the law as a whole, but to the relevant branch of the law. They are designed to provide an understanding of the conceptual framework involved, their development and a consideration of areas of current controversy. It is in the latter area that the opportunity will be provided for students to develop their skill in the handling of legal material and thus reach the stage of independent legal creativity.

#### Course Structure

The School of Law offers a part-time course of six years duration. The course is arranged on a semester basis. The Autumn Semester commences in March and the Spring Semester commences in July each year.

Students must complete sixteen compulsory subjects (64 semester hours), twelve skills seminars (12 semester hours) and eight optional subjects (32 semester hours). A stage is defined as one semester's academic work (9 semester hours) as prescribed in the course programme. 108 semester hours are required for course completion.

## Course Review

The School is currently conducting a review of the course.

## Skills Seminars

Skills seminars are designed to develop the ability of students to apply their theoretical knowledge in practical situations. They are not concerned with the teaching of the skills of practice, but rather with providing the student with an opportunity to learn the law in a realistic context. The skills seminars will cover a variety of topics including research and opinion writing, legal interpretation and drafting, office management, meetings procedure, computerised legal research, as well as a mooted programme, simulated trials and practice in pleading, negotiation and settlement. Nine compulsory skills seminars and three optional skills seminars must be completed in the course.

## Optional Subjects

Students are required to complete eight optional subjects. The School offers a wide variety of optional subjects, the aim of which is to allow students to pursue specific interests and to develop a degree of specialisation.

## Non-Law Options

It is possible for students to study up to 16 semester hours of non-law options. Students must obtain the permission of the Head of School if they wish to enrol in non-law subjects, as offered by other Faculties of the University, or by U.G.1. Institutions.

In addition to seeking the Head of School's approval it is necessary to approach the Faculty in which the non-law subjects are to be studied to obtain approval and also to ensure that any necessary pre-requisite and co-requisite is satisfied.

## Subjects open to other Faculties

Students enrolled in other Faculties in the University may apply for approval to enrol in law subjects. This approval will be subject to the meeting of pre-requisites and class sizes. Applications are to be made prior to enrolment to the Sub-Dean of the Law School.

## Non-award Students

Application may be made by persons not enrolled in the University to enrol in Law Subjects as non-award students. Applications should be directed to

the Central Information Service, Level 4 of the Tower Building at Broadway.

## Miscellaneous Students

Law students who have completed the course may enrol as miscellaneous students in subjects they were not able to complete while enrolled.

Applications should be directed to the Central Information Service, Tower Building, Broadway.

## The Summer Programme in Law

The School offers a Summer Programme which enables students to undertake an optional subject during the period January/February. Students must apply to enrol by the end of October. Approval for enrolment is at the discretion of the Head of School; *however students with failures or a WAM of less than 55 in the preceding semester, or who are on probation, will not be eligible for acceptance into the Programme.*

Students should refer to the Rules for the Summer Programme reprinted in this handbook.

## Computer Laboratory Within the Faculty

Computers are available for student use at the School of Law, Markets. Enquiries for booking the use of these machines should be directed to Mr. A. Mowbray, the Faculty's Computer Law Consultant.

## Registration as a Student-at-Law

The Supreme Court of New South Wales requires students to register with them as a Student-at-Law within six months of commencing the course leading to the award of LL B. Letters will be issued to students under the Academic Registrar's signature, six weeks after the course commences. Notification that these letters are available from the General Papers Office will be made in Stage 1 lectures.

This certification of enrolment, together with two letters attesting to the student's good character must then be lodged with the Court. Photographs may also be required.

Information concerning this may be obtained from:  
Admissions Office  
Supreme Court of New South Wales  
Cnr. King, Phillip and Macquarie Streets  
Sydney, 2000

**Recommended Reading**

A Career in Law, Federation Press, may be purchased from the Sydney Law Co-operative Bookshop, Butterworths or the Law Book Company.

**Graduate Employment and Summer Clerkship Programmes**

The School of Law participates in the Graduate Employment and Summer Clerkship Programmes which are conducted by many of the law schools of New South Wales in conjunction with the major Sydney law firms and government departments. Many of the firms will only hire graduates through the Programme.

**Students wishing to apply to enter the Programme must do so in their penultimate year of study.** The application closing date for the Programmes is normally set in May/June of each year and interested students are advised to watch the notice boards as the deadlines imposed are strictly adhered to. Closure dates for 1992 are Summer Clerkship 29 May 1992, Graduate Employment 26 June 1992. Ms Margaret Harvey is the Academic Staff Member to be contacted in regard to these programmes.

## Course Programme

| Stage           |       | Subject   | Hours/Week |
|-----------------|-------|---|------------|
| <b>STAGE 1</b>  | 70111 | Legal & Constitutional History                                | 4          |
|                 | 70112 | Introduction to the Legal System                              | 4          |
|                 | 70100 | Skills Seminar 1, Legal Research and Writing                  | 1          |
| <b>STAGE 2</b>  | 70211 | Elements of Contract  | 4          |
|                 | 70212 | Criminal Law  | 4          |
|                 | 70200 | Skills Seminar 2, Statutory Interpretation and Legal Drafting | 1          |
| <b>STAGE 3</b>  | 70311 | Law of Tort   | 4          |
|                 | 70312 | Land Law (including Elementary Conveyancing)                  | 4          |
|                 | 70300 | Skills Seminar 3, Conveyancing                                | 1          |
| <b>STAGE 4</b>  | 70411 | Commercial Transactions                                       | 4          |
|                 | 70412 | Law of Associations   | 4          |
|                 | 70400 | Skills Seminar 4, Computer Legal Research                     | 1          |
| <b>STAGE 5</b>  | 70511 | Equity and Trusts   | 4          |
|                 | 70512 | Family Law (including Succession)                             | 4          |
|                 | 70500 | Skills Seminar 5, Advanced Legal Drafting                     | 1          |
| <b>STAGE 6</b>  | 70611 | Constitutional Law  | 4          |
|                 | 70612 | Administrative Law  | 4          |
|                 | 70600 | Skills Seminar 6, Pleadings                                   | 1          |
| <b>STAGE 7</b>  |       | Options   | 8          |
|                 | 70700 | Skills Seminar 7, Practice and Procedure                      | 1          |
| <b>STAGE 8</b>  |       | Options   | 8          |
|                 | 70800 | Skills Seminar 8, Litigation Management                       | 1          |
| <b>STAGE 9</b>  |       | Options   | 8          |
|                 | 70900 | Skills Seminar 9, Moot  | 1          |
| <b>STAGE 10</b> | ***** | Options   | 8          |
|                 | ***** | Optional Skills Seminar                                       | 1          |
| <b>STAGE 11</b> | 71111 | Law of Remedies   | 4          |
|                 | 71112 | Conflict of Laws  | 4          |
|                 |       | Optional Skills Seminar                                       | 1          |
| <b>STAGE 12</b> | 71211 | Law of Evidence   | 4          |
|                 | 71212 | Revenue Law   | 4          |
|                 |       | Optional Skills Seminar                                       | 1          |



## 2. ATTENDANCE PATTERN

The normal attendance pattern is one afternoon and two evenings per week. If possible the afternoon lectures are repeated in the evenings, making attendance over three evenings a week possible for some students. Final examinations, in June and November, are usually held on a Saturday.

Students are expected to be regular and punctual in attendance at all classes in the subjects in which they are enrolled.

## 3. ASSESSMENT

There is no uniformity in the method of assessment used in the LL B course. A student's final mark may be based on his or her performance in a final examination. In some subjects no final examinations are held and students, for example, may be assessed on the basis of their written assignments and participation in class discussions.

While assessment varies from subject to subject, students may be required to do any of the following:- final examinations, informal examinations, take home examinations, assignments, research work, class participation, presentation of seminar papers or a viva voce.

Students should obtain information on assessment for a particular subject from the Subject Coordinator at the beginning of the semester in which they enrol in that subject.

## Lodgement of Assignments

Students who are handing in written work must place it with an assignment coversheet attached, in the Assignment Box located in the General Papers Office on Level 1, Markets (Room B 101). The Assignment Box is cleared daily at 9.00 a.m. and in normal circumstances assignments are stamped as arriving on the previous day. Assignments submitted by DX or by Fax will not be accepted by the Faculty.

## 4. FACULTY POLICY ON WRITTEN ASSIGNMENTS

All written work submitted for assessment in this degree should comply with the following requirements unless otherwise stated by the lecturer responsible for the subject.

## Formal Requirements

1. Essays and other written work should be prepared in accordance with the guidelines laid down in the School of Law's GUIDE TO ESSAY WRITING which may be obtained from the General Papers Office - cost \$2.00.
2. All work submitted for assessment should bear an assignment coversheet available from General Papers.
3. If required by the lecturer concerned, the work must be typed.
4. The work must be properly written with due regard to spelling, punctuation, grammar and syntax.
5. Unless otherwise instructed by the lecturer concerned, all written work should include footnotes or endnotes and a bibliography in the manner set out in the GUIDE TO ESSAY WRITING.

Any piece of written work which does not comply with these requirements may be:

- a) required to be re-written in proper form;
- b) penalised in marks; or
- c) rejected without assessment.

## Late Work

Any work submitted after the date for submission may be penalised in marks or rejected without assessment.

## Plagiarism

Any acts of plagiarism will be penalised. Such penalties may include, depending upon the seriousness and nature of the offence:

- a) a requirement that the assignment be re-written de novo;
- b) a penalty in the reduction of marks awarded to the work, which may include a reduction to zero, or a sharing of the mark awarded to the document amongst its apparent authors;
- c) a fail result in the subject concerned; and
- d) a referral of the matter to the Head of School or other appropriate body.

## 5. THE LIBRARY

The Markets Library is located at Markets and occupies Levels 2 to 5 of Block A.

The Law Collection is located on Level 3. It consists of approximately 90,000 volumes and occupies the whole of Level 3 of the Library. There is seating for

168 users on this Level and 74 of these seats are individual carrels.

At the beginning of each semester there are guided tours of the Library. Brochures and pamphlets describing the Library's catalogues and other general information are available from the School Liaison Librarian Ms Billie Velies (Tel: 330-3341) or the Information Desk on Level 2. Hours of opening of the Library are posted near the Library entrance.

The Faculty Liaison Librarian of Law is Mr Roger Shaw. He is not always at Markets as he also services the College of Law Library at St Leonards.

### **General Bookstack**

The major categories of the bookstack are listed below:

- 340 General and Comparative Law
- 340.05 Journals, shelved in alphabetical order by title
- 341 International Law
- 342 Religious Legal Systems
- 343 Ancient and Medieval Legal Systems
- 344 Common Law Jurisdictions (U.K., Canada, U.S.A., New Zealand, Australia) - Primary Materials
- 345 Common Law Jurisdictions - General Texts
- 346 Common Law Jurisdictions - Public Law
- 347 Common Law Jurisdictions - Private Law
- 349 Other Jurisdictions

### **Study & Research Areas**

On one side of the staircase leading into the Law Collection on Level 3 is the Law Seminar Room. This Law Seminar Room is used for teaching Legal Research and when it is not being used for classes is available for group study. It contains basic sets of Australian and English primary and secondary materials. Next to the Law Seminar Room is a reference area housing digests, encyclopaedias and other indexes. The School Librarian's desk is adjacent to this area.

## **6. BACHELOR OF LAWS COURSE APPLICATION PROCEDURE**

Applicants who are not sitting for the H.S.C. examination in the current year are required to support their applications with a letter setting out their employment background, future ambitions, and the reasons they are attracted to a part-time course in law otherwise their application will not be considered. A statement of support from the applicant's employer is desirable as are any references concerning relevant abilities and interests. Students currently enrolled in the University who wish to transfer to the Faculty of Law must also follow the procedures outlined above. The letters should be lodged at the Central Information Service, Broadway at the same time as the application is lodged.

### **AUTUMN SEMESTER**

The intake of students for the LL B Programme for the Autumn Semester is conducted by the Universities Admission Centre (UAC). The opening date for applications is early August and the closing date for applications is at the end of September. Late applications are accepted in October with a late fee applicable.

All enquiries should be directed to:-

Universities Admissions Centre  
Cumberland College  
East Street, LIDCOMBE 2141  
Tel: 646-3083

### **SPRING SEMESTER**

There is normally an intake of students for the Spring Semester, which begins mid-year conducted by the Admissions Branch, University of Technology, Sydney, at Broadway.

The opening date for applications is April and the closing date for applications is the last Friday in May of each year. All enquiries should be directed to the Administrative Officer, School of Law, or the Admissions Branch of the University.

## **7. ENROLMENT**

Enrolment generally takes place in the Great Hall, Broadway, at the beginning of the Autumn Semester each year. Students are required to register in course programmes (subjects), nominate their Higher Education Contribution Scheme payments and pay other fees as indicated in the University Calendar.

New students are also required to have a photograph taken at the enrolment centre for the purposes of identification.

New students will be issued with a Student Identification Card on enrolment. Continuing students must present their Student Identification Card at enrolment each year so it can be validated to verify current enrolment. Students should carry this card with them at all times as it is required for identification, use of library facilities, admission to formal examinations and collection of assignments from the General Papers Office.

At the beginning of the Spring Semester continuing students are required to confirm their Spring Programme by attending at the School of Law, Markets and registering in their course programme (subjects) for Spring Semester. New students enrolling in the Spring Semester must attend the Tower Building, Broadway for registration and payment of fees, as must students returning from leave of absence.

#### **Late Enrolment**

This is a matter dealt with by the Enrolment Officer of the University, Broadway who should be contacted direct.

#### **Student Enrolment Information Lists**

These lists, displaying student programmes, are placed on the School's notice boards twice each semester. Students are requested to check these lists carefully.

If there are any anomalies students must notify the Administrative Officer or Administrative Assistant of the School of Law immediately and complete a Variation of Enrolment form.

**It is the responsibility of each student to monitor his or her programme by checking these lists throughout the semester.**

### **8. VARIATION OF APPROVED PROGRAMME**

Students who wish to vary their approved programme by undertaking fewer, additional or new subjects must make application to the Sub-Dean before the HECS cut off date.

### **9. WITHDRAWAL FROM SUBJECT**

Students may withdraw from a subject at any time

before the HECS cut off date subject to the approval of the Sub-Dean. (Students are referred to the School of Law policy on Progression Variation reprinted in this handbook). Students must complete a Variation of Enrolment form which is available from the General Papers Office.

After the HECS cut off date, withdrawal from a subject is not generally permitted. However, if a student can establish that there are special circumstances which warrant withdrawal from a subject then the Head of School may exercise discretion to allow withdrawal out of time. Students should write to the Sub-Dean setting out their reasons for seeking late withdrawal and should include a medical certificate, if relevant. Approval or non-approval of the application is placed in the student's assignment folder for collection from the General Papers Office or students are asked to contact the Administrative Officer, to ascertain if their application has been approved. Notification by letter from Student Records is not immediate.

An enquiry concerning a refund of the HECS payment must be made separately to the Academic Registrar.

When students are enrolled in only one subject, withdrawal from that subject will result in withdrawal from the course and re-admission to the course must then be sought.

### **10. LEAVE OF ABSENCE**

A student who wishes to withdraw temporarily from the course must make application in writing to the Academic Registrar for leave of absence. Leave of absence shall not normally be granted for a period exceeding two years and shall not normally be granted to a student who has not completed the academic programme set down for the first year of his or her enrolment at the University.

A student resuming a course after leave of absence shall be subject to the course requirements in operation at the time of resumption. Students should direct enquiries about leave of absence to the Sub-Dean or the Administrative Officer.

### **11. EXAMINATIONS**

Examinations are held at the end of each semester i.e. June/July and November/December, usually on Saturdays.

Final examination timetables indicating the dates and times of examinations are posted on the School Notice Board at Markets two weeks before the end of semester. Students are requested to write down their own individual timetable on the papers supplied by the Examinations Branch.

Misreading of the timetable is not an acceptable excuse for failure to attend any examination.

Examination front pages are also displayed in the glass-fronted cupboard three weeks prior to the commencement of the examinations.

### **Clashing Examinations**

Candidates who have clashing examinations or other difficulties arising from the scheduling of examinations should complete an "Advice of Clash of Examination" form, available from the General Papers Office, and submit it immediately to the Central Information Service, Level 4, Tower Building, Broadway.

### **Medical Considerations**

Students may be ill during the semester or during the examination period. In order that the illness may be taken into account, a student is required to provide to the Academic Registrar appropriate notification within specified times. The following rules indicate what is required of students.

### **Illness or Misadventure**

A candidate who attempts an examination yet claims that his or her performance was prejudiced by illness or misadventure on the day of the examination shall notify the Academic Registrar before, during or immediately after the examination and submit an appropriate medical certificate.

A candidate prevented by illness or other reasons from working continually during a paper shall not be allowed an extension of time at the end of the session to compensate for any time lost.

### **Absence from Entire Examination**

Candidates who, through illness or other cause beyond their control, are unable to attend an examination, shall bring the circumstances (supported by a medical certificate or other evidence) to the notice of the Academic Registrar within 36 hours of the examination concerned. Students are required to telephone 330-1213 for immediate advice should this occur.

When the Academic Registrar decides that a candidate is genuinely in this category, an alternative to the final examination shall be arranged by the Examinations Branch (in consultation with the appropriate School).

### **Absence During Semester**

Candidates who believe that their performance at an examination might be affected by a serious illness during the semester or by some other cause beyond their control, and who desire these circumstances to be taken into consideration in determining their standing, shall bring the circumstances (supported by a medical certificate or other evidence) to the notice of the Academic Registrar, in writing, before the date of the examination; or submit a letter for consideration to the **Examination Review Committee** which meets within three weeks from the Saturday that examinations commence.

### **Physical Disability**

Candidates suffering from a physical disability which might put them at a disadvantage in written examinations, may apply to the Academic Registrar at least thirty (30) days prior to the examination period for special arrangements. Special provisions may be made by the Academic Registrar in consultation with the student, the Head of School, and the Co-ordinating Examiner. Candidates may be required to support their request with medical evidence.

### **Medical Certificates**

All medical certificates should specify the severity and duration of the complaint and its effect on the student's ability to take the examination(s). A receipt for medical or hospital fees cannot be accepted in lieu of a medical certificate.

When forwarding applications concerning the above, candidates are required to furnish details of their address, a contact telephone number, student registration number, course, subject number, name of subject, and date of the examination affected.

### **Student Identity Cards**

Candidates must bring their I.D. cards with them into the examination room as they will be required to show proof of identification before entering the examination room and during the course of each examination. Students who do not possess an I.D. card should immediately contact Central

Information Service, Tower Building, Level 4, Broadway.

### **Materials in the Examination Room**

No material other than specified on the examination paper may be brought into the examination room by candidates. Students may bring in the usual writing implements. Any material brought into an examination room must be available for inspection during the examination. Copies of the front pages of examinations are placed in the glass fronted cupboard on Level 1 of the Law School three weeks prior to the examination(s) so that students may know what materials may be taken by them to the examination room. Students should note that the University does not allow any writing during designated reading time in formal examinations.

### **Examination Results**

These are graded as follows:-

|                  |   |               |   |   |
|------------------|---|---------------|---|---|
| High Distinction | - | 85% and above | - | H |
| Distinction      | - | 75% - 84%     | - | D |
| Credit           | - | 65% - 74%     | - | C |
| Pass             | - | 50% - 64%     | - | P |
| Fail             | - | 0% - 49%      | - | Z |

### **Availability of Results**

The only official assessments shall be those issued by the Academic Registrar's Office.

No assessment results shall be given to students by telephone. Results will be mailed to students as soon as they are available.

### **Supplementary Examinations**

The University does not conduct supplementary examinations.

### **Examination Review Committee**

At the end of each semester the results obtained by students in that semester are reviewed by the School at a meeting of the Examination Review Committee.

This Committee normally meets on the Friday of the 3rd week after the Saturday commencing date of the final formal examinations.

Students who wish to present for consideration by this committee for problems encountered by them either during the semester or during the examinations themselves should submit in writing to the Committee. The letter should be received at least 2 days before the Committee is due to meet and

should, if appropriate, be accompanied by a medical certificate.

### **Appeal Against Assessment Grades**

Students may appeal against an Assessment grade under special criteria. All appeals are heard by a Student Assessment Appeals Committee. If an appeal is upheld, it does not necessarily mean the result will be changed; a recommendation may be made for re-assessment in a particular section of the subject.

The appeal criteria are

1. Subject requirements and assessment procedures were not published or were changed without notifying students.
2. There exists relevant and verifiable information regarding a student's illness or misadventure, not available to the Examination Review Committee at the time the results were being considered.
3. There exists any other relevant circumstance which (by its nature) was not reasonably avoidable; which bears a direct relation to the student's performance in the subject and which adversely affected the student's performance to a significant extent so that the result does not fairly reflect the student's competence in the subject.

For more information, contact Broadway.

### **Review of Results**

#### **University Policy**

A student may make application to the Academic Registrar for the review of a result. The application form, together with the necessary fee, must be submitted to the Academic Registrar by the date indicated on the notification of results.

This review shall not normally mean a complete remark of a candidate's examination paper, it is rather a check to ensure that no part of the student's performance has been overlooked.

In the event of a revised assessment the application fee shall be refunded.

#### **School Policy**

The School has a policy that a paper requested to be re-marked shall be reviewed in the first instance by both the Co-ordinating Examiner and the Assessor of the subject. This includes a re-reading of the examination paper rather than an arithmetic check.

It is suggested that students who have failed a subject should contact the Co-ordinating Examiner and request an appointment to go through the paper.

Informal applications for review of marks may be made in the case of failure to the Co-ordinating Examiner. In such event, the Co-ordinating Examiner will, notwithstanding the absence of an application for a formal remark:

1. reassess the examination paper;
2. reassess any item of continuous assessment submitted by the student;
3. refer the paper and any item of continuous assessment, to the assessor in the subject, with all marks thereon concealed, and where possible also with comments concealed, for advice and
4. advise the Head of School of any reassessment.

It must be understood that in any informal review, as in a formal application for a remark, there is the possibility of a confirmation of the mark, or that a higher or lower mark be awarded.

## 12. PROGRESSION VARIATION

Students may wish to vary their programme. For instance, if they fail one subject in a stage, they may wish to take a subject from the higher stage as well as repeating the subject failed. Another possibility is that students may wish to "accelerate" and undertake a programme exceeding nine semester hours. A third possibility is that for some reason students may wish to lighten their load in a particular semester and attempt subjects totalling less than nine semester hours.

A student who wishes to attempt other than the nine semester hours of a particular stage must have his or her proposed programme approved by the Sub-Dean. Students should complete a "Progression Variation" form and submit it to the General Papers Office at least one week before enrolment. **No approval will be given while enrolment is in progress.** If the student's application to vary progression is approved then a copy of the approved application form must be produced at enrolment. Such copies should be obtained from the General Papers Office before enrolment.

At Faculty Board 89/6 it was recommended that students not be permitted to enrol in options until they had completed Stage 6 of the course.

Students are now permitted to accelerate through the core provided:

- a) the subject's pre-requisites and co-requisites are met and
- b) there are no timetable clashes
- c) students have demonstrated the academic ability to cope with an additional core subject.

In cases where a student has failed a subject, permission may be granted for a subject from the next stage to be undertaken together with the failed subject.

**Students should note however that such acceleration through the core may require them to sit for two examinations on the same day in the formal examination period at the end of each semester.**

Any student who wishes to vary normal progression so as to accelerate may be permitted to do so if the student can satisfy the Sub-Dean that by reason of the stage reached in the course, available time, academic record and other significant reasons such acceleration should be allowed. No student will be permitted to undertake a programme of study exceeding eighteen semester hours.

Students who submit progression variation forms after enrolment must (if approved), lodge a variation of enrolment form to correct their enrolment.

Pre-requisites and co-requisites for each subject are listed in the Course Programme section of this Handbook.

## 13. WEIGHTED AVERAGE MARK

A student's performance in any assessment period (semester) is measured by a Weighted Average Mark (W.A.M.). This mark is calculated as follows:-

$$\text{W.A.M.} = \frac{\sum (\text{W.F.} \times \text{Mark})}{\sum \text{W.F.}}$$

Where W.F. = subject weighting factor  
(determined by Academic Board)  
Mark = subject assessment (%).

#### 14. PROBATION

In respect of students whose scholastic performance is unsatisfactory, there is a system of academic probation. Students may be placed on probation if during an assessment period (semester):

- their W.A.M. is less than 45%
- they fail all subjects in which they are enrolled or
- a subject is failed for the second time (regardless of their W.A.M.)

Students placed on probation will continue on probation

- if their W.A.M. at the end of the next assessment period is less than 50%;
- if the subject is failed for a second time while on probation; or
- until a subject failed twice previously is attempted and passed.

#### 15. EXCLUSION

Exclusion from the course may occur if -

- a student placed on probation does not obtain a W.A.M. greater than 40% in his or her next assessment period (semester);
- a student on probation for two consecutive assessment periods (semesters) has a W.A.M. for the second assessment period (semester) of less than 50%; or
- a student fails a subject for the third time regardless of his or her W.A.M.

A student may appeal against exclusion. Any such appeal must be in writing, addressed to the Academic Registrar and should be accompanied by such information as the student believes will be of assistance in the appeal.

Notwithstanding any of the above, a student may be placed on probation or continuing probation or be excluded for generally unsatisfactory academic performance. A student may also be excluded from a course if he or she does not complete the course within the maximum time.

#### 16. MAXIMUM TIME TO COMPLETE THE COURSE

The time allowed to complete the course shall not be greater than 50% in excess of the minimum number of semester hours in the course nor shall the elapsed time exceed by 50% the number of years laid down for that course.

This shall not include periods of approved leave of absence or periods of exclusion from the course.

#### 17. PROVISIONAL STATUS

Certain applicants (generally those who have not completed the New South Wales Higher School Certificate or an approved certificate course of the New South Wales Department of Technical and Further Education) may be admitted to the course as a student with provisional status.

The progress of a student admitted with provisional status will be reviewed after two semesters of enrolment. This will not include an approved period of leave of absence for one semester, or withdrawal from the course. If the student's performance is considered inadequate, further enrolment will be refused.

#### 18. EXEMPTIONS

Subject to the approval of the Faculty Board in Law it is possible for students to obtain exemptions for both law and non-law subjects.

##### Law Subjects

A student may be able to obtain an exemption for a law subject if he or she is able to satisfy the Faculty Board that a comparable course of study had been successfully undertaken elsewhere. As a general rule, exemptions will not be given if the subject was studied more than six years ago.

The period in the "six year rule" shall be calculated from the date on which the subject in which the exemption is sought was last studied, to when it is due to be undertaken in the School of Law.

However, the Faculty Board in Law shall always retain a discretion to waive the strict application of the rule in cases where there is additional evidence of work or study experience.

Indeed, in subjects where there has been significant recent changes in the law, an exemption may not be granted even though the subject was studied less than six years ago.

The School Board must be satisfied that the student has successfully completed a comparable subject elsewhere. To verify this the student must produce a transcript of his or her academic record and a copy of the relevant institution's handbook containing a detailed description of the subject at the time it was studied.

Exemption for law subjects will only be granted to students who have studied law in a recognised law school. Students who have studied law through the Law Extension Committee of the Supreme Court will not be granted exemptions.

### **Non-Law Subjects**

It is possible to obtain exemptions for non-law options if students have completed a degree, diploma or associate diploma course from a recognised tertiary institution.

The maximum exemptions which can be granted on the basis of having completed a course are as follows:-

- a degree course (3 years full-time) - 16 semester hours
- a diploma course (3 years full-time) - 12 semester hours
- an associate diploma course (2 years full-time) - 8 semester hours

### **Part-completed courses**

As from Autumn Semester 1988 no exemptions can be sought for a part-completed diploma or associate diploma course.

Students entering the Law School with a part-completed degree, either as transfer students from another Faculty of the University or from another U.G.1 Institution may be granted up to a maximum of 8 semester hours of non-law options. These are determined on the basis of 3 semester hours for a completed semester subject and 4 semester hours for a completed year-long subject.

Students wishing to study non-law optional subjects within their law degree, in either other faculties of the University or within a degree course at an outside U.G.1. Institution, may be granted approval to do between 8 and 16 semester hours. A semester subject equals 3 semester hours a year; a year long subject equals 4 semester hours.

In the case of students wishing to undertake subjects at another University and receive accreditation for them, application to do so must be made in writing to the Faculty Board in Law.

In addition, exemption is granted to holders of the following -

Diploma in Criminology (Dip.Crim. Syd.)  
Exemption granted - 77012 (Criminology) +  
4 semester hours of non-law options

Diploma in Jurisprudence (Dip.Juris. Syd.)  
Exemption granted - 77008 (Jurisprudence)  
+ 4 semester hours of non-law options

Diploma in Labour Relations & The Law  
(Dip Lab Rel) (Syd.) Exemption granted -  
77015 (Labour Law) + 4 semester hours of  
non-law options

Students who are seeking exemptions should complete an "Application for Exemptions" form, which is available from the General Papers Office.

It is recommended that all students seeking an exemption should make an application early in the course. Enquiries should be directed to the Administrative Officer, School of Law.

### **Course Completion**

Students deemed to have completed the requirements for the degree may obtain a letter from the Academic Registrar stating this fact, on the afternoon of the day the Examination Review Committee meets. These letters will be available for collection after 4 p.m. on that day from the Central Information Service, Level 4, Broadway. Letters also stating successful completion of the subject "Legal Ethics" will be issued to those students who have successfully completed 71002 Optional Skills 10 (Legal Profession) together with 71102 Optional Skills 11 (Legal Ethics). These satisfy the Supreme Court of N.S.W. for admission to the Bar.

Some students complete the course by undertaking a subject in the Summer Programme. Advice of this intention should be given to the Administrative Officer so that arrangements can be made with the Academic Registrar's approval for the student to graduate in May.

### **19. AWARD**

The degree is designated Bachelor of Laws (LL B) and is awarded as follows:

- (i) LL B (with First Class Honours)
- (ii) LL B (with Second Class Honours) or
- (iii) LL B



The degree with honours will be awarded to those students who successfully complete the whole course at a sufficiently meritorious level.

The award for honours is calculated on the marks of the student's best fourteen law subjects which must include a Research Project 4 or 5. A student failing in other than Stage 1 subjects shall not be eligible. Students should refer to the Honours Rules which are reprinted in this handbook.

### **The University Medal**

The University may award a medal to students who have achieved outstanding academic merit throughout their undergraduate degree course.

## **20. GRADUATION**

Students whose current programme will enable them to complete all the requirements for the LL B degree should complete an "Application for Award" form which is available from the General Papers Office. This form must be submitted to the Academic Registrar early in the semester of intended completion. Completed forms may be handed to the Administrative Officer who will forward them to the Academic Registrar.

Two graduation ceremonies are held, in May and October each year. Students may hire academic dress from the University and should direct their enquiries to the Central Information Service, Broadway.

## **21. ADMISSION TO PRACTICE**

The Supreme Court of New South Wales controls the admission of barristers and solicitors to practice in New South Wales. A person may gain entry to the profession by satisfying the requirements of The University of Technology, Sydney, LL B Course and fulfilling certain other conditions prescribed by the Admission Rules of the Supreme Court.

A student wishing to become a solicitor must enrol as a student-at-law at the Barristers and Solicitors Admission Board within six months of commencing the course. Further, after successful completion of the LL B, a student must undertake a course of practical legal training at the College of Law and meet specific requirements before being admitted as a solicitor, unless an exemption certificate has been obtained from the Law Society of N.S.W.

A student wishing to become a barrister must

register as a student-at-law at least two years prior to application for admission to the Bar. The student must also complete a course in Legal Ethics prescribed by the Barristers and Solicitors Admission Board. This latter requirement can be met by students successfully completing with their degree, Skills 71002 The Legal Profession and Optional Skills 71102 Legal Ethics; or by successful completion of the practical legal training course at the School of Legal Practice - The College of Law. Most students will also read in chambers with an experienced barrister. This allows a newly admitted member of the Bar to acquire essential practical knowledge by observing and assisting an experienced barrister in his or her daily work.

Whether students intend to practise as barristers or solicitors it is recommended that they register as a students-at-law within six months of commencing legal studies. Students are required to furnish two character references upon registration. In addition, a letter under the Academic Registrar's signature is issued by the Faculty certifying commencement of studies in the LL B course.

## **22. SCHOOL OF LEGAL PRACTICE - THE COLLEGE OF LAW**

The School of Legal Practice - The College of Law was established by the Law Society of New South Wales in 1972 in order to conduct courses of Practical Legal Training and a programme of Continuing Legal Education.

The Practical Legal Training Department of the College is an affiliated school within the University of Technology, Sydney.

The Practical Legal Training Course is conducted in two modes - the Full-Time and the Co-operative (Sandwich) Courses.

The School of Legal Practice is located at St Leonards. Among its facilities, which have been specifically designed for practical legal training, are a central library, practice court rooms equipped with audio visual equipment, a large lecture theatre, small group teaching rooms and a canteen.

### **Pre-requisites for Admission**

By the first day of the course for which an applicant has applied, he or she must be a graduate in law or have qualified for admission as a graduate in law at the University of Sydney, the University of New

South Wales, Macquarie University, the University of Technology, Sydney or the Australian National University (4 year course), or have completed all examination requirements (other than in the subject of Legal Ethics) prescribed for admission as a solicitor by the Barristers and Solicitors Admission Rules.

The School will not accept into any course a student who, on the first day of the course, has any further work to undertake, by way of examination, assignment, research paper or otherwise, in order to qualify to take out a law degree.

The School of Legal Practice cannot accept applications from students still enrolled in an undergraduate law course. This applies whether or not the student is on leave of absence. Accordingly, students who wish to apply for the School of Legal Practice on the grounds that they have satisfied the requirements of the Barristers and Solicitors Admission Rules cannot at the same time be enrolled in an undergraduate law course and will have to withdraw from that course.

Students undertaking double degrees, neither of which will be awarded until the completion of all requirements for both degrees, will not be eligible to commence the course until all requirements are so satisfied.

Students who have completed all requirements but are merely awaiting results at the time of commencement of the July course only are permitted to attend the School (but will not be enrolled) for a period of up to two weeks while results are finalised. Applicants will be required to leave the course immediately if results are still pending after this two week period or if their results render them ineligible for the course.

Applicants from interstate must have their academic status assessed by the Credits Sub-Committee of the Supreme Court, submitting a copy of their academic record certified by their University and paying a \$20.00 fee.

Students who hold completed law degrees are given sufficient credit to begin the Practical Legal Training Course, after the Secretary of the Admission Board issues a College of Law Certificate as to their academic standing.

## **Guidelines for Exemption from the Practical Legal Training Course**

The following guidelines have been prepared for use by applicants who have substantial practical legal experience in New South Wales legal offices and who have not been first admitted elsewhere and who wish to apply for exemption from the School of Legal Practice Practical Legal Training Course.

1. Exemptions from the School of Legal Practice Law course are exceptional and must be based on special circumstances which include alternative practical legal training of a quality, duration and substance which, it has been conclusively demonstrated, provides the person experiencing it with:
  - (i) mastery of the tasks associated with legal practice;
  - (ii) an understanding of professional responsibility; and
  - (iii) the acquisition of skills to the same degree as might be acquired by a student satisfactorily completing the Practical Legal Training Course.
2. As an understanding of a solicitor's responsibilities in regard to handling clients' money is fundamental to a solicitor's fitness to practise, the practical experience relied upon should include, at least, the performance of acceptable office procedures in the processing of receipts and disbursements of clients' money and properly accounting for the same. An applicant should also be able to demonstrate an understanding of the provisions of the Legal Profession Act and the regulations applicable to trust money and controlled money.
3. The applicant, in the practical training relied upon, should have had the personal conduct under supervision of entire matters or transactions or substantial parts of long term continuing matters in the areas of general practice referred to in paragraph 6.
4. Work of the nature referred to in paragraph 3 should have been undertaken recently for a period of time, normally not less than three

years, and sufficient to have allowed the applicant to gain a proper understanding of the accepted legal practice, ethics and the essential principles of law, relevant to the work undertaken.

As an understanding of a solicitor's professional responsibility is fundamental to a solicitor's fitness to practise, an applicant should also be able to demonstrate, by way of *viva voce*, to a member of the Law Society of New South Wales appointed by the Council of the Society, an understanding of the Legal Profession Act, the Regulations thereto, case law and Law Society of New South Wales Rulings relevant to a solicitor's professional and ethical responsibilities.

5. The applicant should have developed, under supervision, observation and guidance by a New South Wales solicitor holding an unrestricted practising certificate of at least three years standing, to a reasonable degree of competence, the skills of a solicitor equivalent to those developed by graduates at the School of Legal Practice. The skills developed at the School of Legal Practice include: interviewing, negotiating, advocacy, drafting, letter writing, researching, recording instructions, advising, developing solutions and tactics.
6. The areas of general practice, in which experience of the kind referred to in paragraph 3 above should be acquired, must include each of the following:

**A. Probate**

Accept instructions for, draft and attend on client when Will executed. Accept instructions for an application to obtain Probate of a Will, or Letters of Administration with a Will annexed, or Letters of Administration in an intestate estate. Undertaking all necessary searches and enquiries to obtain evidence of pedigree on intestacy, obtaining details of assets, preparing documents in support of application. Attending to preparation of estate accounts, preparing distribution statement and completing administration of an estate.

**B. Non-criminal litigation**

At least 3 of:

- (a) District Court and Local Court. Acting for a party in an action in tort or contract, including interviewing of witnesses in preparation for trial, briefing Counsel, assessing of taxing party and party costs, accounting to client on completion. Taking debt recovery action up to and including obtaining default judgment; taking enforcement proceedings.
- (b) Supreme Court (civil) litigation. Acting for a party in an action in tort or contract, including interviewing of witnesses, preparation to trial, briefing Counsel, assessing or taxing party and party costs and accounting to client on completion. In addition, acting for a party in proceedings in the Equity Division or proceedings in any other division of the Court, including all proceedings for interlocutory and substantive relief, attending to ancillary matters, briefing of Counsel and final accounting to client.
- (c) Family law proceedings. Acting for a party in proceedings for dissolution of marriage and for ancillary relief, instructing Counsel on hearing, concluding matter and accounting to client.
- (d) (i) Bankruptcy and Insolvency. Acting for creditor in the preparation and issue of a Bankruptcy Notice, preparation of Bankruptcy Petition and concluding proceedings for Sequestration Order, preparing and taxing bill of costs; or  
(ii) Federal Court litigation (other than Bankruptcy). Acting in proceedings for plaintiff or defendant in the Federal Court, including the preparation of the matter for trial, attending on the hearing and accounting to client on completion.

**C. Criminal Litigation**

Acting for a party in proceedings in  
Local Court, defended and undefended.

Acting for a party in proceedings in the  
District Court, defended and undefended.

**D. Conveyancing and Commercial Practice**

Acting for a vendor of land under the  
Real Property Act in all phases of the  
sale transaction, including the  
preparation of a contract and all steps  
necessary to the completion of the  
matter and accounting to the client.  
Acting for a purchaser of Real Property  
Act land in all phases of the transaction,  
including attendances to settle the matter  
and account to the client.

Acting for a vendor and a purchaser of a  
Strata Title unit to the conclusion of the  
matter.

Acting for a mortgagor; and acting for a  
mortgagee. Acting for a lessor or lessee  
of a residential property.

Acting for a lessor or lessee of  
commercial property.

Acting for a purchaser or vendor on the  
sale of business. Acting on the  
incorporation of a proprietary company  
or the acquisition of a shelf company.

7. An area of practice that is similar in form and content to any of those listed in paragraph 6 may be taken into account when determining the educational value of the legal experience claimed by the applicant.
8. Additional matters to those listed in paragraph 6 may be taken into account when determining the applicant's experience. The absence of a specified matter will not necessarily mean inadequate experience in an area of practice provided it is balanced by experience generally in that area.
9. The applicant for exemption must produce a certificate from each person by whom the applicant was employed during any period of practice relied on by the applicant, which certificate shall state the period of

employment, provide particulars of the nature of the work done by the applicant and the level of competence or skill demonstrated by the applicant in the performance of the work.

Acting for a party in proceedings in Local Court, defended and undefended.

Acting for a party in proceedings in the District Court, defended and undefended.

Further information can be obtained by contacting -  
The Director  
The School of Legal Practice  
The College of Law  
2 Chandos Street  
ST. LEONARDS 2065  
Telephone: 965 7000.

The Secretary  
Barristers & Solicitors  
Admission Board  
Supreme Court of N.S.W.  
QUEENS SQUARE, SYDNEY 2000  
Telephone: 230 8111.

**23. JOINT DEGREES**

In 1990 a joint degree programme of BBus/LL B was introduced and in 1991 a joint degree programme of B Sc/LL B.

All these programmes are offered only to current HSC applicants who attain the TER HSC mark required for entry.

In each programme the joint degree is of 5 years duration and students undertake studies full-time. Law subjects being held mostly in the evenings while classes in the other discipline are being held mostly in the day time.

Within the B Bus/LL B degree students may major in Accounting, Business Administration, Employment Relations, and Finance and Economics.

The Law degree associated with the joint programmes satisfies the requirements of the Supreme Court of New South Wales for admission purposes.

## SYNOPSIS OF SUBJECTS

### 70111 Legal and Constitutional History

This subject is divided into two parts: the origins of the legal system, principally the origins of the courts and the development of the common law, and the constitutional history of England and Australia.

In the legal history component, special emphasis will be given to the reasons for the development of the common law; the Royal Courts and Chancery; the early development of land law, contract, tort and equity; and methods of procedure, including proof, from the medieval period up until the major reforms of the 19th century.

In the constitutional history component, the examination will commence with Magna Carta and proceed through the Tudor and Stuart periods to the emergence of the modern constitution in the 18th and 19th centuries. The development of responsible government and federation will also be examined in the Australian colonial context with special emphasis on the emergence of Australia as a constitutionally independent nation.

#### Texts

Evans, M.B. & Jack, R. Ian, *Sources of English Legal and Constitutional History*, Butterworths.

Baker, J.H. *An Introduction to English Legal History*, Butterworths.

Radcliffe, G.R.Y. & Cross, G., *The English Legal System*, Butterworths.

Bennett, J.M. & Castles, A.C., *A Sourcebook of Australian Legal History*, Law Book Company.

### 70112 Introduction to the Legal System

The subject deals generally with the nature of law, the sources of law and the system of law governing New South Wales as part of the Commonwealth of Australia.

Students are also instructed in case analysis, the doctrine of precedent, statutory interpretation and legal reasoning.

Topics include The nature of law: (law, custom and morality, positive law and the sovereignty of parliament, the rule of law concept, branches of Law; the British Legal System: (responsible government, separation of powers; sources of law: inherited English law, imposed English law, autonomy and limitations on sovereignty,

federation, divided sovereignty and the Statute of Westminster; common law: judgments as a source of law, common law and statute law, common law and equity, characteristics of common law systems; State Courts: Supreme Court, District Court, Local Court, Other tribunals, courts and commissions; Federal Courts: Judicial power of the Commonwealth, High Court of Australia, Federal Court of Australia, Family Court of Australia, Federal jurisdiction in state courts; Appeals: general principles, appeal structures and the hierarchies of courts, federal and state prerogative writs; the judicial process: pre-trial procedure, trial procedure, judge and jury; the legal profession: structure and roles in a divided profession, discipline and professional standards).

#### Preliminary Reading

Derham, D.P. et al., *An Introduction to Law*, Law Book Company.

#### Recommended Texts

Maher, K.F. et al., *Cases and Materials on the Legal Process*, Law Book Company.

Morison, W.L., *The System of Law and Courts governing New South Wales*, Law Book Company.

Cross, Sir Rupert, *Statutory Interpretation*, Butterworths.

Crawford, J., *Australian Courts of Law*, Oxford University Press

Pearce, D.C., *Statutory Interpretation in Australia*, Butterworths

de Smith, S.A., *Constitutional and Administrative Law*, Penguin.

Lumb, R.D., *The Constitutions of the Australian States*, University of Queensland.

Lumb, R.D. & Ryan, K.W., *The Constitution of the Commonwealth of Australia*, Butterworths.

### 70100 Skills Seminar 1 - Legal Research & Writing

The aim of this first Skill subject is to teach the basic skill of effective legal research, to aid both in the study of law while a student and then as an adjunct to the practice of law. This will be done by examining the basic recognition of legal materials into primary and secondary classifications and then to take the students through each, by the use of lectures, seminars and the completion of a programme of class exercises.

Emphasis is placed on problem identification; the recognition of the diversity of ways that legal information can be found and the consequent costs involved; and the resulting confidence that comes with legal research when the researcher understands the processes involved.

Students will be expected to present their legal findings in an acceptable legal manner. To this end, the "legal opinion" and other legal documentation, are also examined and explained.

#### Texts

UTS, Faculty of Law and Legal Practice, *Legal Research Notes*, 1992.

Campbell, E.M., Glasson, E.J., Lee, P.Y. and Sharpe, J.M., *Legal Research, Materials and Methods*, 3rd ed, Law Book Company.

#### 70211 Elements of Contract

(Pre-requisite: Completion of 70112 Introduction to the Legal System; Co-requisite: 70200 Skills 2 Statutory Interpretation and Legal Drafting)

This subject deals with the legal principles as to when promises are binding, in what circumstances they may be set aside, and how they may be discharged.

Topics covered include the formation of contracts (agreement, consideration, terms), vitiating factors (capacity, mistake, misrepresentation, illegality, unconscionability), discharge by performance and non-performance of contractual obligations (breach and frustration) and contractual remedies in outline.

#### Texts

Cheshire & Fifoot, *Law of Contract*, 5th Aust ed, Butterworths, 1988.

Greig, D. & Davis, J., *The Law of Contract*, Law Book Company, 1987 (with 1991 Supplement).

Carter, J.W. & Harland, D.J., *Contract Law in Australia*, 2nd ed, Butterworths, 1991.

#### 70212 Criminal Law

(Co-requisite: 70112 Introduction to the Legal System)

The course deals with the substantive criminal law, the doctrines and rules which define the conditions of criminal liability, and some aspects of the procedural law. Australian common law doctrine and the Crimes Act 1900 (NSW) are treated.

Topics include: nature of crime; doctrine of mens rea and actus reus; presumption of innocence; offences against the person; property offences; strict, vicarious and corporate liability; complicity; inchoate offences; offences against justice; criminal defences; criminal investigation and procedure.

#### Text

Gillies, P., *Criminal Law*, 2nd ed, Law Book Company, 1990.

#### 70200 Skills Seminar 2 - Statutory Interpretation and Legal Drafting

(Pre-requisite: Completion of Stage 1; Co-requisite 70211 Elements of Contract)

The course is divided into two parts. The first part is statutory interpretation which addresses the theory surrounding the interpretation of statutes.

The second part of the course deals with the theory of drafting, types of documents, and analysis of language.

#### Texts

Piesse, *The Element of Drafting*, Law Book Company.

Pearce, D.C. & Geddes, R.S., *Statutory Interpretation in Australia*, Butterworths.

#### 70311 Law of Tort

(Pre-requisite: Completion of Stage 1)

The course deals with the rules and concepts as well as the function and aims of the law of tort.

The nature of tortious liability is examined in the light of a selection of specific torts, namely, trespass to the person, goods and land; the action on the case for wilful injuries; conversion and detinue; the rule in *Rylands v Fletcher*; nuisance; liability for animals and breach of statutory duty. Reference is also made to defences, vicarious liability, remedies and contribution between tortfeasors.

Particular duty areas in negligence are examined including products liability, liability for defective structures; rescuers; nervous shock; negligent misstatement; economic loss; employers liability and occupiers liability.

#### Texts

Balkin & Davis, *Law of Torts*, Butterworths, 1991.

Morison & Sappideen, *Torts, Commentary & Materials*, 7th ed, Law Book Company Casebooks, 1989.

### **70312 Land Law (Including Elementary Conveyancing)**

(Pre-requisite: Completion of Stage 1, Co-requisite: 70211 Elements of Contract, 70212 Criminal Law)

The course deals with the law relating to Real Property in New South Wales.

Topics include: Torrens title and priorities, Old system title, Qualified Title, Adverse possession, possessory title, Fixtures, Trespass to land, Waste, Concurrent ownership, Easements, Covenants, Mortgages and Leases.

#### **Texts**

Butt, P.J., *Introduction to Land Law*, Law Book Company.

Stein, R.T.J. & Stone, M., *Torrens Title*, Butterworths.

Sappideen, C.M., Stein, R.T.J., Butt, P.J. & Certoma, G.L., *Cases and Materials on Real Property*, Law Book Company.

### **70300 Skills Seminar 3 - Conveyancing**

(Pre-requisite: completion of Stage 2; Co-requisite 70312 Landlaw)

This course considers the steps in a typical conveyancing transaction for land and a dwelling house erected thereon in New South Wales and the examination of the 1988 edition of the Agreement for Sale of Land.

The matters covered include: Consideration of examples of Certificate of Title, Folio Identifier, Deposited Plan, S.88B Instrument Transfer and Drainage Diagram; Formalities; S.54A Conveyancing Act, 1919; Open contracts; Exchange of a standard form contract; Employment of Real Estate Agents to sell land; Survey Certificate and Building Certificate; Agreement for Sale of Land - 1988 Edition; Sale of Residential Property; Steps in a Conveyancing Transaction.

#### **Text**

Young, P.W., Q.C., *Contract for Sale of Land in New South Wales*, Butterworths.

### **70411 Commercial Transactions**

(Pre-requisite: Completion of Stage 2, 70311 Law of Torts, and 70312 Land Law)

The subject considers a variety of commercial transactions involving personality. Topics include: supplies of goods and suppliers, financiers' and manufacturers' liabilities; import/export contracts and the law of bailment; the law of insurance; chattel securities; the law of negotiable instruments including cheques law.

#### **Texts**

Peden, J.R., *Teaching Materials and Cases on Commercial Transactions*, Butterworths.

Helmores, B.A., (Chappenden & Carter eds) *Personal Property and Mercantile Law in New South Wales*, Law Book Company.

Sutton, K.C.T., *Sales and Consumer Law in Australian and New Zealand*, Law Book Company.  
*Riley's Bills of Exchange in Australian*, (Chappenden and Bilinsky) Law Book Company.

### **70412 Law of Associations**

(Completion of Stage 2, and 70311 Law of Torts; Co-requisite: 70312 Land Law)

The subject is concerned with the response of the law to group activity and deals with associations formed for both profit and non-profit purposes. Approximately half of the course involves a study of company law, covering the history of company law, the process of formation of companies, the nature of interests in companies, the duties of promoters, the legal position of members, the rights, powers and duties of directors, and other officers, legal proceedings, company contracts, liability of companies in crime and tort, and protection of minority shareholders. Other forms of association covered in detail are partnership, unincorporated voluntary association, and joint venture. Brief reference is made to incorporated associations, public corporations, trade unions, co-operatives, credit unions and building societies.

#### **Texts**

1) Either of the following:

Redmond, P., *Companies and Securities Law*, Law Book Company.

Baxt, R., *Afterman and Baxt's Cases & Materials on Corporations and Associations*, 5th ed, Butterworths.

2) Either of the following:

Tomasic, R., Jackson, J., Pentony, B. & Woellner, R., *Corporation Law, Principles, Policy and Process*, Butterworths.

Lipton & Herzberg, *Understanding Company Law*, 4th ed, Law Book Company.

#### **70400 Skills Seminar 4 - Computer Legal Research**

(Pre-requisite: Completion of Stage 3)

The subject aims to familiarise students with the basic tools available to engage in computer legal research.

The syllabus includes the following: Introduction to the concept of computerised researching and Boolean logic; Examination of a number of on-line systems including INFO ONE, SCALE and LEXIS; Introduction to the use of CD-ROM based services such as INFO ONEs LAW PAC CDROMs and DISKROMs Commonwealth Statutes.

#### **Text**

Greenleaf, G., Lewis, D. & Mowbray, A., *Australasian Computerised Legal Information Handbook*, Butterworths.

#### **70511 Equity and Trusts**

(Pre-requisite: Completion of Stage 3; Co-requisite: 70411 Commercial Transactions, 70412 Law of Associations)

This subject covers the law of trusts and those principles of equity not dealt with in other subjects.

Topics include: the nature of equity; equitable estates and interests; equitable priorities; assignments in equity; fiduciary obligations; confidential information; the nature of trusts; express trusts; charitable trusts; implied trusts; constructive trusts; powers, rights and duties of trustees; rights of beneficiaries.

#### **Texts**

Evans, M.B., *Outline of Equity and Trusts*, Butterworths.

Meagher, R.P., Gummow, W.M.C. & Lehane,

J.R.F., *Equity, Doctrines and Remedies*, Butterworths.

Meagher, R.P., Gummow, W.M.C., Jacobs' *The Law of Trusts in Australia*, Butterworths.

Heydon, J.D., Gummow, W.M.C. & Austin, R.P., *Cases and Materials on Equity & Trusts*, Butterworths.

Ford, H.A. & Lee, W.A., *Principles of the Law of Trusts*, Law Book Company.

#### **70512 Family Law (including Succession)**

(Pre-requisites: Completion of Stage 3 and 70412 Law of Associations)

Family Law and Succession are two parallel strands in this course and each is worth 50% of the overall mark for the subject.

#### **A. Family Law**

This course introduces students to the principles which govern the legal relationship between members of families when there is a breakdown in the family unit whether the legal relationship arises out of marriage, or from a defacto relationship. An important feature of the course is its consideration of the interaction between social issues, public policy and the relevant law.

Topics include: Family Law in its Social Context, Divorce and Nullity, Financial adjustment after family breakdown, Guardianship, Custody, Access, Counselling, Conciliation and Dispute Resolution, Child Maintenance and Child Support.

#### **Prescribed Legislation and Texts**

Australian Family Court Legislation (Butterworths) - Family Law Act 1975 (amended to 1992), Rules and Regulations, and the Child Support Acts. De Facto Relationships Act (NSW), 1984. Dickey, A., *Family Law*, 2nd ed, Law Book Company.

#### **B. Succession**

This course aims to provide an outline of the law relating to; Grants of Probate, Intestacy, Family Provision Act, Administration of Assets in a Solvent Estate.

#### **Texts**

Hutley, F.C., Woodman, R.A., & Wood, O., *Cases and Materials on Succession*, Law Book Company. Certoma, G.L., *The Law of Succession in New South Wales*, Law Book Company.



Woodman, R.A., *Administration of Estates*, Law Book Company.  
Hardingham, I.J., Neave, M.A. & Ford, H.A.J., *Wills & Intestacy in Australia and New Zealand*, Law Book Company.  
Hutley, F.C., *Australian Wills Precedents*, Butterworths.

#### **70500 Skills Seminar 5 - Drafting**

(Pre-requisite: Completion of Stage 4)

The principles and problems of legal drafting will be examined, discussed and analysed. Students will apply their knowledge of substantive law to given sets of facts and clients' instructions. Appreciation and understanding of the principles of good drafting will be required, including - communication, clarity, originality of expression and use and adaptation of precedents. Students will draft, redraft and critically analyse various clauses and documents. Exercises will be drawn from examples such as: Agreements, Deeds, Powers of Attorney, Statutory Declarations, Articles of Association and Wills.

##### **Texts**

Piesse, E.L., *The Elements of Drafting*, Law Book Company.  
Dick, R., *Legal Drafting*, Carswell.  
Butterworths Australian Encyclopaedia of Forms and Precedents.  
Rowling, C. & Tamsitt, G., *Hutley's Australian Wills Precedents*, Butterworths.  
Law Book Company's, *Practical Forms and Precedents*.  
Dickerson, R., *Materials on Legal Drafting*, West Publishing Co.

#### **70611 Constitutional Law**

(Pre-requisite: Completion of Stage 2)

This course is divided into two parts. The first part, constituting one third of the semester, examines a number of basic constitutional concepts as they apply to both State and Federal constitutional law. These include parliamentary sovereignty, rule of law, separation of powers, independence of the judiciary and executive prerogative.

The bulk of the course is concerned with the study of particular constitutional problems that arise under the Australian Constitution. These include an examination of the various methods of constitutional interpretation by looking at a number of specific

Commonwealth powers, intergovernmental immunity, inconsistency and aspects of fiscal federalism.

##### **Text**

Hanks, P.J., *Australian Constitutional Law: Materials and Commentary*, 4th ed, Butterworths, 1990.

#### **70612 Administrative Law**

(Pre-requisite: Completion of Stage 2)

The subject deals with the functions, powers and obligations of the executive government, review of administrative decisions and access to information.

Topics include: Grounds of review of administrative decisions (Natural justice, Ultra Vires, Jurisdictional error); Remedies; Judicial review by the Federal Court under the Administrative Decisions (Judicial Review) Act 1977 (Cth); Review by the Administrative Appeals Tribunal; Ombudsman; Access to Information (Public interest immunity, Freedom of Information).

##### **Texts**

Hotop, S.D., *Cases and Materials on Review of Administrative Action*, Sydney, 2nd ed, Law Book Company.

##### **Any one of:**

Allars, M., *Introduction to Australian Administrative Law*, Butterworths.  
Sykes, E., Lanham, D.J. & Tracey, R., *General Principles of Administrative Law*, 3rd ed., Butterworths.  
Hotop, S.D., *Principles of Australian Administrative Law*, 2nd ed., Law Book Company.

#### **70600 Skills Seminar 6 - Pleadings**

(Pre-requisite: Completion of 70500 Skills 5 Drafting)

The aim of this subject is to develop the skill of pleading and the ability to think about the facts which must be presented to establish a cause of action.

##### **Texts**

Britts, M.M.G., *Pleading Precedents*, Law Book Company.  
Bullen E. & Leake, S.M., *Precedents of Pleading*, Sweet & Maxwell.

Neville, A.G. & Ashe, A.W., *Equity Proceedings with Precedent*, Butterworths.

#### **70700 Skills Seminar 7 - Practice and Procedure**

(Pre-requisite: Completion of Skills 5 Drafting, Co-requisite Skills 6 Pleadings)

This skills seminar serves partly as an introduction to procedure dealt with in more detail in Skills Seminar 9. A general examination is made of the civil jurisdiction of the N.S.W. Supreme, District and Local Courts.

#### **Text**

Ritchies Supreme Court Procedure N.S.W. Volumes 1 & 2.

#### **70800 Skills Seminar 8 - Litigation Management**

(Pre-requisite: Completion of 70500 Skills 5 Drafting, Co-requisite: 70700 Skills 7 Practice and Procedure)

This skills unit is one of a sequence of four skills developing skills relevant to litigation viz Pleading, Practice and Procedure, Litigation Management and Mooting. The subject aims to take students through the steps in civil litigation between originating process and the trial itself.

Emphasis is on the practical aspects of litigation including the conduct of: notices of motion, drafting affidavits, discovery and inspection of documents, drafting interrogatories, set matters for hearing, mentions, state of readiness hearings and preparation for the hearing

#### **Text**

Ritchies Supreme Court Procedure N.S.W. Volumes 1 & 2.

#### **70900 Skills Seminar 9 - Moot**

(Pre-requisite: Completion of Skills 1-8)

The skills unit requires the students to participate in one moot, or mock trial on a point of law arising from a set of agreed facts before a judge or barrister. The aim of the unit is to instruct the students in techniques, skills and basic etiquette involved in arguing cases, particularly on points of law, in court.

Attendance is required at two seminars, each of one

hour, at the beginning of the semester and thereafter at a moot before a judge or senior barrister. Most of the work in this unit involves unsupervised preparation in the library.

A Faculty Guide to Mooting has been prepared and this is used as the basis of instruction for the mooters. They are divided into groups of four, within which there are two teams each of two mooters, and are allocated a moot. That involves being given a set of facts, in which they are arguing one side or the other, and a date on which they must present argument on those facts to a designated moot judge. They are required to present the moot judge with written submissions, including a list of authorities, at least three days before the moot is scheduled.

#### **Optional Skills Seminars**

Students must undertake any three skills from the following:-

- 71000 - Law of Meetings
- 71001 - Advanced Computer Research
- 71002 - Legal Profession
- 71101 - Office Management
- 71102 - Legal Ethics
- 71103 - Second Moot
- 71104 - Advanced Legal Research
- 71200 - Special Project
- 71201 - Dispute Resolution

For the purposes of admission to the Bar, it is necessary to complete 71002 Optional Skills 10 - The Legal Profession, as well as 71102 Optional Skills 11 - Legal Ethics.

#### **71000 Optional Skill 10 - Law of Meetings**

(Pre-requisite: Completion of 70400 Skills 4 - Computer Legal Research)

This course aims to familiarise students with the basic law, practice and procedure of meetings.

Topics include: nature of a meeting; regulation of the conduct of meetings; role of the chair, constitutions and standing orders; pre-meeting procedures; quorum; motions; amendments; resolutions and rescission; formal and other procedural motions; points of order; minutes; committees and voting.

### Text

Taggart, W.J. (ed), *Horsley's Meetings Procedure, Law and Practice*, 3rd ed., Butterworths.

### 71001 Optional Skill 10 - Advanced Computer Legal Research

(Pre-requisite: Completion of Stage 6)

The subject aims to give students a fuller understanding of computerised systems which can be of assistance in legal research and practice. Apart from updating and expanding upon material presented in the earlier subject - Skills 4, the use of computer databases for inhouse purposes such as litigation and precedent support is also dealt with.

### Text

Greenleaf, G., Mowbray, A. & Lewis, D., *Australasian Computerised Legal Information Handbook*, Butterworths.

### 71002 Optional Skills 10 - The Legal Profession

(Pre-requisite: Completion of Stage 3; Co-requisite: 70400 Skills 4 - Computer Legal Research)

The course will consider the present structure, functions and role of the legal profession in Australia. Particular attention will be given to such matters as the regulation of the profession, ethics and professional conduct together with contemporary issues such as advertising and specialisation.

### Texts

Reports on the Legal Profession by the N.S.W. Law Reform Commission.

### Optional Skills Seminar 11 and 12

#### 71101 Optional Skill 11 - Office Management

(Pre-requisite: Completion of 70400 Skills 4 Computer Legal Research)

This course is intended to develop an understanding of the principles of office management, particularly as they apply to a legal practice. Matters covered include: personnel management, office design, legal accounting, computers and information processing, the use of various professional resources, decision making and how clients are obtained and how clients are kept.

#### 71102 Optional Skill 11 Legal Ethics

(Pre-requisite: Completion of 70400 Skills 4 Computer Legal Research)

This skills unit prepares students for entry into the legal profession by developing an awareness of the ethical requirements of the profession, both by statute and by custom relevant to practice as barristers or solicitors in New South Wales. Contemporary issues are examined.

For the purposes of admission to the Bar, it is necessary to complete 71002 Optional Skills 10 - The Legal Profession, as well as legal Ethics.

### Texts

Atkins, R.J., *The New South Wales solicitor's manual. A collation of the law and practice relating to the profession of the solicitor in New South Wales*, Sydney, Law Society of N.S.W.  
Disney, J., et al, *Lawyers*, Law Book Company.  
Boulton, W.W., *A guide to conduct and etiquette at the Bar of England and Wales*, Butterworths.  
College of Law, Sydney, *Professional Responsibility: The Responsibilities of Solicitors in New South Wales*, Sydney, 97 (Practice Paper PR 1).  
Guilford K.H., *Legal Profession, Law & Practice in Victoria, Sydney*, Law Book Company.

#### 71103 Optional Skill 11 - Second Moot

(Pre-requisite: Completion of 70900 Skills 9 - Moot)

For those students intending to practice at the Bar this skill gives considerable practical background to the theoretical material taught in the major subjects and provides students with an opportunity to take some of their theoretical knowledge out of the library and lecture hall and test it out in an external, if somewhat controlled, environment.

This skills unit requires the students to participate in one moot, or mock trial on a point of law arising from a set of agreed facts before a judge or barrister. The aim of the unit is to reinforce the students in techniques, skills and basic etiquette involved in arguing cases, particularly on points of law, in court.

### **71104 Optional Skills 11 - Advanced Legal Research**

(Pre-requisite: Completion of Stage 6)

This course allows students, having completed a majority of the substantive subjects of the course, to consolidate and perfect their researching skills gained in the earlier Skills subject.

The course is divided into four parts: the first part is a refresher of basic legal researching and allows any recent changes to be noted and examined. The second part examines American primary sources of law, with a concentration on Federal law but includes selected State materials, together with the main secondary materials used to find American law. The third part examines the primary sources of international law, including treaties, the materials of international courts and selected international organizations. The course concludes by examining the primary and secondary sources of European Communities law.

#### **Texts**

Price, M.O. & Bitner, H., *Effective Legal Research*, 4th ed, Little, Brown & Co, 1979.

Williams, J.W., "Research Tips in International Law," 15 Journal of International Law and Economics, 1-321.

### **71200 Optional Skill 12 - Special Project**

(to be approved by the Head of School)

(Pre-requisite: Completion of Stage 6)

The aim of the skills subjects is to develop the ability of students to apply their theoretical knowledge in practical situations. This is achieved by requiring students to study nine compulsory skills subjects and also three optional skills subjects. The Special Project enables students to develop their legal skills in an approved area of interest to them. The Project will require work equivalent to one semester hour. A member of Faculty will be appointed by the Head of School to supervise the student's work. Students interested in attempting this subject should speak to the Head of School or Sub-Dean before enrolling to ensure that the proposed work is appropriate as a Special Project.

### **71201 Optional Skill - Dispute Resolution**

(Co-requisite: Completion of Stage 5)

This course aims to provide students with an

understanding of, and competence in, the techniques and theory of Dispute Resolution processes, for practice as a lawyer. It also develops competence in negotiation and mediation skills. Simulation exercises are used through the course.

The subject is a pre-requisite for the optional subject Dispute Resolution.

Topics include: An introduction to the various types of dispute resolution; principles of successful Dispute Resolution; the theory and techniques of negotiation and mediation; communication skills.

#### **Texts**

Fisher, R. & Ury, W., *Getting to Yes*, Penguin.

Aston, H. & Chinkin, C., *Dispute Resolution in Australia*, Butterworths, 1992.

### **71111 Law of Remedies**

(Pre-requisite: Completion of Stage 4 and 70511, Equity and Trusts; Co-requisite: 70611

Constitutional Law, 70612 Administrative Law)

This course deals with the law of remedies and is aimed at developing the ability to apply the law to complex fact situations.

For historical reasons the more common remedies are either those which are administered at common law or equity. Thus major topics are: the law of damages, as administered at common law, and equitable remedies, including money remedies. Bankruptcy, Remedies under the Trade Practices Act, Quasi Contract & Restitution will also be covered.

#### **Texts**

Tilbury, Noone & Kercher, *Cases & Materials on Remedies*, Law Book Company.

Tilbury, *Remedies*, Butterworths

Greig, D.W. & Davis, J.L.R., *Law of Contract*, Law Book Company.

Lewis, A.N., *Australian Bankruptcy Law*, Law Book Company.

### **71112 Conflict of Laws**

(Pre-requisite: Completion of Stage 5; Co-requisite: 70611 Constitutional Law, 70612 Administrative Law)

The subject deals with the international jurisdiction of the Australian courts, the recognition and

enforcement of foreign judgements and decrees and the problems of choice of law with respect to specific areas of law such as marriage, matrimonial causes, contract, torts, inter vivos property transactions and succession. The subject also touches upon conflict issues arising solely within the Federation of Australia.

#### **Texts**

Sykes, E.I. & Pryles, M., *Conflict of Laws*, Law Book Company.

Nygh, P.E., *Conflict of Laws in Australia*, Butterworths.

Sykes, E.I. & Pryles, M.C., *Australian Private International Law*, Law Book Company.

Pryles, M. & Hanks, P., *Federal Conflict of Laws*, Butterworths.

Morris, J.H.C., *The Conflict of Laws*, Law Book Company.

#### **71211 Law of Evidence**

(Pre-requisite: Completion of Stages 5 and 6; Co-requisite: 71111 Law of Remedies, 71112 Conflict of Laws)

Topics include: types of evidence, relevance, admissibility, weight of evidence, course of the trial, functions of the judge and jury, burden and standard of proof, competence and compellability of witnesses, privilege, character evidence, hearsay evidence and the common law and statutory exceptions, confessions and illegally obtained evidence, presumptions and corroboration.

#### **Texts**

Byrne, D. & Heydon, J.D., *Cross on Evidence*, Butterworths.

Waight, P.K. & Williams C.R., *Cases & Materials on Evidence*, Law Book Company.

Aronson, M.I., Reaburn, N.S. & Weinberg, M.S., *Litigation*, Butterworths.

#### **71212 Revenue Law**

(Pre-requisite: Completion of Stages 5 and 6; Co-requisite: 71211 Law of Evidence)

The main objective of the course is a practical understanding of the law as it relates to the revenue areas, with emphasis on income tax areas. Topics include: Federal and State Taxation Systems, the scheme of the Income Tax Assessment Act, income and capital, assessable income, treatment of trading stock, allowable deductions and tax accounting,

different types of taxpayers, tax avoidance, objections appeals and other administrative procedures, and the questions of source and residence, capital gains tax, imputation and fringe benefits tax.

#### **Texts**

Lehman, G & Coleman, C., *Taxation Law In Australia*, Butterworths.

Cooper, G., Krever, R. & Vann, R., *Income Taxation Commentary and Materials*, The Law Book Company.

### **OPTIONAL SUBJECTS**

There are currently 47 options available in the LL B course. In order to assist students to perceive the interrelationship of the various options and their general orientation, and to make informed choice, the options are classified into the groups indicated below. The various groups are not mutually exclusive, and many options can be found in more than one group. Students may prefer to broaden their knowledge by choosing options from as many groups as possible. Alternatively, they may wish to specialise by confining their choices to one group. Whatever the decision, the Faculty encourages students to take at least one subject from the group, Legal Theory and Perspective Subjects. Students should also note that all Research Projects can in principle be classified under any of the groups, since the subject-matter covered in a Research Project is determined at the outset by the student.

#### **Criminal Law**

Administration of Criminal Justice, Human Rights, Criminology, Advanced Criminal Law.

#### **Commercial Law**

Industrial and Intellectual Property, Law and Computers, Advanced Taxation, Law of Insurance, Deceptive Trade Practices and Product Liability, Law and Society, Trade Practices Law, Advanced Company Law, Transport Law - Selected Problems, Dispute Resolution, Advanced Contracts.

#### **Environmental Law**

Environmental Law, Local Government.

#### **Technology**

Industrial and Intellectual Property, Law and Computers, Communications Law.

## **International Law**

Public International Law, Human Rights, Environmental Law, Transport Law Selected Problems, International Trade Law, Jessup International Moot.

## **Research**

Research Projects 1-5.  
Labour & Industrial Relations  
Labour Law, Industrial Law.

## **Land Law**

Strata Titles and Community Schemes,  
Environmental Law, Local Government, Land Dealings.

## **Legal Theory & Perspective Subjects:**

Comparative Law A, Comparative Law B, Human Rights, Jurisprudence, Law and the Arts, Women and the Law, Law and Medicine, Advanced Family Law, Citizenship and Immigration Law, Advanced Public Law.

### **77001 Comparative Law A**

(No pre-requisite)

This course deals with the comparative method of legal research. It examines the growing 'interdependence' and similarity of the civil law and the common law systems.

The subject consists of two sections. The first is concerned with an introduction to the major legal systems in the world, including the Romano-Germanic system of law, the formation of the socialist legal system and the law of the United States of America. These legal systems will be compared with the common law system. The civil law method will be illustrated with cases dealing with liability for torts (articles 1382-1386 of the French Civil Code). Other topics include the legal profession and legal education in civil law countries, an assessment of the adversary and inquisitorial criminal procedures as well as the protection of human rights through the incorporation of customary law into domestic law. The second section is devoted to French Administrative Law and the jurisprudence of the Conseil d'Etat.

## **Texts**

David, R. & Brierley, J.E.C., *Major Legal Systems in the World Today*, Stevens and Sons.  
Certoma, C.L., *The Italian Legal System*,

Butterworths.

Brown, L.N. & Garner, J.F., *French Administrative Law*, Butterworths.

Crabb, J.H., *The French Civil Code*, Fred B. Rothman and Co.

de Vries, H.P., *Civil Law and the Anglo-American Lawyer*, Oceana Publications, Inc.

Hall, J., *Comparative Law and Social Theory*, Louisiana State University Press.

Harris, J.W., *Legal Philosophies*, Butterworths.

Stoljar, S.J., *Problems of Codification*, The Australian National University,

Zweigert, K. & Kötz, H., *An Introduction to Comparative Law*, (2 vols) North-Holland Publishing Co.

Watson, A., *The Making of the Civil Law*, Harvard University Press.

### **77003 Comparative Law B**

(no pre-requisite)

The course is designed to introduce students to the reception of legal systems in the countries of South and South-East Asia with special reference to the reception of English law and Islamic law.

## **Texts**

Lewis, B., *The Arabs in History*, Hutchinsons.

Coulson, N., *History of Islamic Law*, Edinburgh University Press.

Fyzee, A.A.A., *Introduction to Mohammedan Law*, Oxford University Press.

Setalvad, M.C., *The Common Law in India*, Stevens.

Boxer, C.R., *The Portuguese Maritime Empire*, Penguin.

Parry, J.H., *Europe and the Wider World*, Longmans.

### **77004 Administration of Criminal Justice**

(Pre-requisite: Completion of 71211 Evidence)

This course deals with the law of procedure for a criminal prosecution in New South Wales. Current law reform proposals are examined.

Topics include: criminal investigation: police interrogation, arrest, detention, search, seizure, remedies against the police, reception of confessional evidence and discretion to exclude evidence; criminal prosecution: bail, summary proceedings, committal proceedings, jury trials, discretion to prosecute, indictment, joint trials, pleas, duties of prosecutor, duties of trial judge,

course of evidence, verdict, sentencing, criminal compensation, appeals.

**77006 Public International Law**  
(Pre-requisite: Completion of Stage 2)

This course deals with the development of international law in its relationship with the States, international organisations and the individual.

Topics include: nature, characteristics and function of international law; sources of international law (including the role and characteristics of the International Court of Justice); the law of treaties; concept of state sovereignty and domestic jurisdiction; the relationship between international law, municipal law and the individual; statehood and sovereignty; the personality, rights and duties of states; the recognition of states and governments; state succession, territorial sovereignty of the land and the sea; the jurisdiction of states (including jurisdictional competence, immunity from jurisdiction, asylum and extradition); immunities and privileges in diplomatic and consular relations; international organisations; armed conflict and the settlement of international disputes.

**Texts**

Starke, J.G., *An Introduction to International Law*, Butterworths.

Brownlie, I., *Principles of Public International Law*, Oxford University Press.

**77007 Human Rights**  
(Pre-requisite: Completion of 70212 Criminal Law)

This subject concentrates on Australian law relating to human rights. Comparative material from Europe, U.S.A., and Canada and aspects of the international human rights protection systems are treated.

Topics include: establishment and enforcement of human rights, constitutional rights, common law rights, an Australian Bill of Rights; Aborigines and the law; discrimination; the right to free speech and assembly; security; privacy; international protection of human rights; refugees; prisoners' rights; women's rights; human rights and jurisprudence.

**Texts**

Bailey, P.H., *Human Rights: Australia in an international context*, Butterworths.

Campbell, E. & Whitmore, H., *Freedom in Australia*, Sydney University Press.  
Flick, G.A., *Civil Liberties in Australia*, Sydney Law Book Company.

**77008 Jurisprudence**  
(Pre-requisite: Completion of Stage 4)

This course commences with the question - what is the nature of legal reasoning? The problem is to give an account of law's methods and procedures which concedes that they are unlike the impersonal procedures of logic or science but which does not reduce them to personal interests and beliefs. The writings of J. Stone, C. Perelman, R. Dworkin, N. MacCormick and others are discussed and the interpretive and reasoning practices of law are contrasted with those of other disciplines, with those of literary criticism in particular.

From this starting point the course considers the common law tradition. Topics include: the rule of law, individualism, formalism, the "crisis" in contemporary law, and whether social theory (esp. Marx & Weber) has anything to offer to an analysis of the common law.

**Texts**

Dworkin, R. *Law's Empire*, Fontana 1986

**77011 Industrial and Intellectual Property**  
(Pre-requisite: Completion of 70511 Equity & Trusts)

This subject is intended to introduce and provide an understanding of the ways in which the legal system recognises, protects and regulates the exploitation of exclusive rights in certain intangible industrial and intellectual "property". It covers selected aspects of the field in depth but the basic structure will be: Confidential Information: trade secrets and the problem of "know how", scope of the present law, classification of type of protection, relation to patent system. Remedies available in Industrial Property. Patents: history of patents, patentable subject matter, application process, employee's inventions, patent office and third party objections, grounds of invalidity, infringement, licences, assignment, Crown use, patents of addition, extensions.

Designs: subject matter, registration, invalidity, infringement, relationship to the copyright system.

Trade Marks and Trade Names; protection at common law, passing off and Section 52 of the Trade Practices Act 1974, unfair competition; trade mark legislation and its relation to common law protection; right to apply, purpose of registration, distinctiveness, deception and confusion, defensive registration, certification marks, infringement, assignment, registered user agreement, the licensing and exploitation of marks, non-use and use by competitors.

Copyright: history of copyright protection, nature of works and subject matter in which copyright subsists, nature of exclusive rights, ownership, assignment, licensing, infringement.

In each area the effect of the Trade Practices Act 1974 will be considered.

#### Texts

McKeough & Stewart, *Intellectual Property in Australia*, Butterworths.  
Ricketson, S., *The Law of Intellectual Property*, Law Book Company.  
Blakeney, M.L. & McKeough, J., *Intellectual Property Commentary and Materials*, Law Book Company.  
Lahore, J.C. & other, *Intellectual Property in Australia*, 2 Volumes with Service, Butterworths.

#### 77012 Criminology

(Pre-requisite: Completion of 70212 Criminal Law)

This course introduces students to issues and theories within contemporary criminology. It deals with theoretical explanations of the causes of crime, the role and effectiveness of prisons and alternatives to imprisonment and a number of selected topics of continuing importance in criminological debate.

#### Texts

Taylor, I.R. Walton, P. & Young, J., *The New Criminology: for Social Theory of Deviance*, Routledge & Kegan Paul.  
Fitzgerald, M. et al (eds.) *Crime and Society: Readings in History and Theory*, Routledge & Kegan Paul.  
Downes, D. & Rock, P., *Understanding Deviance*, McGraw-Hill.  
Vold, G., *Theoretical Criminology*, Oxford University Press.

Chappell, D. & Wilson, P. (eds.) *The Australian Criminal Justice System The Mid - 1980s*, Butterworths.

Wilson, P., *Delinquency in Australia*, University of Queensland Press.

Wilson, P. & Braithwaite, J.(eds.) *Two Faces of Deviance*, University of Queensland Press.

Bottomley, A.K., *Criminology in Focus*, Martin Robinson.

#### 77014 Law and Computers

(Pre-requisite: Completion of Stage 4)

The course aims to introduce students to computers as they relate to the administration and practice of the law and to specific areas of the law as they relate to computers.

At the conclusion of the course students will be able to apply the law to computer related problems in a sensible manner and be able to make informed choices in relation to the adoption of computer technology into the practice of the law.

#### Text

Hughes, Gordon (ed), *Essays on Computer Law*, Longmans.

#### 77015 Labour Law

(Pre-requisite: Completion of Stage 3)

The course is in two parts:

Individual aspects of the employment relationship: the formation, foundation and termination of the employment contract. Also examined is the intrusion into and the modification of the employment relationship by awards and various pieces of industrial welfare legislation.

The rights and liabilities of employers and employees under common law principles and legislation, together with a consideration of principles of workers compensation in New South Wales.

#### Texts

Macken J. J., McGarry G. and Sappideen C., *Law of Employment*, 3rd ed., Law Book Company  
McCullum, Pittard and Smith, *Australian Labour Law Cases & Materials*, Butterworths



### **77016 Advanced Taxation**

(Pre-requisite: Completion of 71212 Revenue Law)

This course builds on the understanding obtained from the completion of the core subject Revenue Law, particularly in application of the law to the Taxation of Trusts, Companies Partnership and Superannuation Funds.

Topics covered include: comparative study of taxable entities: case study, budget implications, companies: specific tax issues, imputation/franking credits, CGT issues; Trusts: specific tax issues, taxation of beneficiaries and trustees; Partnerships: specific tax issues; joint ventures tax consequences, income splitting and assignments, Part IVA and Section 260, Tax Planning, and Taxation of Superannuation Funds.

#### **Texts**

CCH, *Master Tax Guide*, CCH.

Cooper, G., Krever, R. & Vann, R., *Income Taxation: Commentary Material*, Law Book Company.

Woellner, R., Vella, T. & Chippendale, T. *Australian Taxation Law*, CCH.

O'Grady, G. & O'Rourke, K., *Manual of the Law of Income Tax*, Law Book Company.

Gribch, Y. et al, *Revenue Law: Cases and Materials*, Butterworths.

Rigney, H., *Australian Business Taxation*, Butterworths.

Lehman, G., & Coleman, C., *Taxation Law in Australia*, Butterworths.

### **77017 Strata Titles & Community Schemes**

(Pre-requisite: Completion of Stage 6)

This course introduces students to the laws governing the regulation of planned communities in New South Wales - strata titles, strata leasehold titles and community schemes legislation.

Topics include: history of flat ownership, both general and Australian; development (various types such as strata, community and leasehold schemes) and title, local government requirements, registration procedures, lot and common property/association property titles, and the effect of strata and community titles on the principles of indefeasibility; management, encompassing the body corporate, its corporate nature, powers, duties

and functions, the application of ultra vires and other general law principles, by-laws, the rights and duties of proprietors and occupiers, council members as fiduciaries, and managing agents; disputes as they relate to the Strata Titles and Community Schemes Commissioners, the Strata Titles and Community Schemes Boards, the jurisdiction of the Supreme Court, and orders, offences and prosecutions; the role of a solicitor acting for a developer/original proprietor and a mortgagee, from sales and purchasers, contractual and title aspects, body corporate involvement, the rights of exclusive use and enjoyment/restricted common property; comparative studies of other Australian state and overseas legislation.

#### **Texts**

Bugden, G.F., *New South Wales Strata Title Law and Practice*, CCH.

Strata Title Management Practice in New South Wales, CCH.

Moses, N.J. Tzannes, R.T. & Skapinker, D.S., *Strata Titles*, Law Book Company.

### **77022 Law of Insurance**

(Pre-requisite: Completion of Stage 4)

This subject concentrates on a study of the general principles of insurance law, and it is not intended to examine the special rules governing each type of insurance contract. After the nature of the contract of insurance is noted, key concepts will be dealt with: insurable interest, indemnity and subrogation, risk, non-disclosure, misrepresentation, conditions, warranties, premium. Subsidiary matters such as assignment of policies, liens and reinsurance, may be included. The role of intermediaries in the formation of contracts of insurance will be examined. The subject will thus focus on the legal rights and liabilities of parties to an insurance contract in the context of common law principles and statutory modification. In addition, consideration will be given to the regulatory framework within which the insurance industry operates.

#### **Texts**

Australian Law Reform Commission, *Insurance Contracts* (Report No. 20), AGPS, 1982.

Australian Law Reform Commission, *Insurance Agents & Brokers* (Report No. 16), AGPS, 1980.

Sutton, K., *Insurance Law in Australia and New*

*Zealand*, 2nd ed, Law Book Company, 1991.  
Tarr, A.A., *Australian Insurance Law*, 2nd ed, Law Book Company, 1991.

### **77023 Deceptive Trade Practices and Product Liability**

(Pre-requisite: Completion of Stage 4)

The following topics are considered:- The constitutional basis of the Trade Practices Act, Liability under the Trade Practices Act and Fair Trading legislation for misleading and deceptive conduct, Civil and criminal liability under the Trade Practices Act Liability for unconscionable conduct, and the law relating to product liability including Suppliers', service providers', financiers' and manufacturers' liability for defective products (including standards and bans).

#### **Texts**

Miller, R.V., *Annotated Trade Practices Act*, Law Book Company, latest edition.  
Pengilley, W., *Misleading Conduct*, Legal Books.  
Beerworth, E.E., *Product Liability*, Federation Press.

### **77024 Environmental Law**

(Pre-requisite: Completion of Stage 4)

The aim of this subject is to introduce students to those areas of the law which attempt to control or regulate environmental quality. The subject provides a comprehensive guide to the major statutory and common law controls over pollution, use of land and natural resources and heritage. Students will be introduced to the environmental licences and approvals required and the procedures and problems which may be encountered for industrial development, use of natural resources such as mining and forestry, and developments on public land. In addition, the subject covers the jurisdictions of the Supreme Court, Land and Environment Court and Local court in enforcement by criminal prosecutions and by civil proceedings.

#### **Texts**

Bates, G., *Environmental Law in Australia*, Butterworths.  
Farrier, D., *Environmental Law Handbook*, Redfern Legal Centre Publishing.

### **77026 Local Government**

(Pre-requisite: Completion of Stage 4)

This subject deals with the functions, powers and duties of local government authorities. Topics include: Councils (Members of Council, Council servants, Council meetings, Council powers, Enforcement of local government and planning laws); control of local government authorities (administrative review, judicial review, common law actions against councils and their employees); finance (rates, valuation of land); acquisition of land; land use control (land use planning, development control); building regulation; subdivision.

#### **Texts**

Whitmore, H., *Local Government and Environmental Planning Law in N.S.W.*, Law Book Company.  
Wilcox, M., *The Law of Land Development in New South Wales*, Law Book Company.  
Ryan, P., *Urban Development Law and Policy*, Law Book Company.

### **77027 Trade Practices Law**

(Pre-requisite: Completion of Stage 4)

Topics include: introduction and economics, monopolisation and relevant market analysis, mergers, anti-competitive agreements, resale price maintenance, price discrimination, exclusive dealing and international anti-trust and extraterritoriality.

#### **Texts**

Ransom, A. & Pengilley, W., *Restrictive Trade Practices: Judgments, Materials and Policy*, Legal Books.  
Miller, R.V., *Annotated Trade Practices Act*, Sydney, Law Book Company.  
Tapperell, G.Q., Vermeesch, R.B. & Harland, D.J., *Trade Practices and Consumer Protection*, Sydney, Butterworths.  
CCH, *Australian Trade Practices Reporter ...* (looseleaf).  
Heydon, D., *Trade Practices Law*, Law Book Company.  
Donald, B.G. & Heydon, J.D., *Trade Practices Law: Restrictive Trade Practices, Deceptive Conduct, and Consumer Protection*, 2 Volumes, Sydney, Law Book Company.  
Neale, A.D. & Goyder, D.G., *The Antitrust Laws of the USA*, Cambridge, Cambridge University Press.

**77028 Advanced Company Law**  
(Pre-requisite: Completion of Stage 4)

This subject will cover the following matters: Equity Finance - topics include law of maintenance of capital, law of dividends, law concerning preference shares, share repurchasers and financial assistance. Debt Finance - Topics include debentures, secured indebtedness, priorities and guarantees. Takeovers - The Takeover Scheme in Corporations Law Ch. 6 is discussed, with reference to defences to takeovers and the requirement for corporate disclosure - Securities Market - The role of the Australian Securities Commission, the Stock Exchange and Stock Broker and the regulation of 'Specific Market Behaviour' is covered.

**Text**

Ford, H.A.J., *Principles of Company Law*, Butterworths.

**77029 Land Dealings**  
(Pre-requisite: Completion of Stage 6)

This course will give students a thorough understanding of the law relating to an Agreement for the Sale of Land in New South Wales.

The syllabus will include the formation of enforceable contract, agreements and deeds, open contracts, Caveat Emptor and pre-contract enquiries, auction sales, deposit, risk and duty of care pending completion, statement of title, requisitions and objections, title defects, errors and misdescription, legality and structures of use, inquiries and affectations, rates, and notices, vacant possession, time for completion and remedies.

**Texts and References**

Land, A.G. & Skapinker D.S., *Sale of Land*, Legal Books.  
Butt, P.J., *Standard Contract of the Sale of Land in N.S.W.*, Law Book Company.  
Rossiter, C.J., *Vendor and Purchaser*, Law Book Company.

**77031 Law & Society**  
(Pre-requisite: Completion of Stage 3)

This course treats our Common Law tradition - its institutions and procedures - from a sociological viewpoint. It considers such matters as the social limits of law, how law is rendered legitimate, the

role of the legal profession, the courts and the police and it concludes with a discussion of legal anthropology.

**77035 European Community Law**  
(Not currently offered)

**77036 Law & The Arts**  
(Not currently offered)

**77035 Advanced Criminal Law**  
(Pre-requisite: Completion of 71211 Law of Evidence)

This course deals with topics in the general part of the criminal law may include: the definition of crime, the principle of harm and principals of responsibility, identification of the subject matter of criminal proceedings (substantive and procedural aspects), imputed liability, defence classification, locality, international criminal law, offences of special character (possession, dishonesty, offences against the peace, offences against religion, decency and morality, etc.).

**77039 Jessup International Moot**  
(Pre-requisite: Completion of 70600 Skills 6 Pleadings; 70900 Skills 9 Moot)

The aim of this optional subject is to permit and encourage participation in the Jessup International Moot.

This moot was founded in the United States in 1962 by the American Society of International Law and is named in honour of Professor P.C. Jessup, Professor of International Law and Diplomacy at Columbia, and judge of the International Court of Justice 1960-1969. The moot is now organised by the Association of Student International Law Societies which operates under the auspices of the American Society of International Law in Washington. The competition is held annually in two divisions, one of the U.S. domestic division in which more than 100 United States law schools participate and the International division in which regional eliminations are held in approximately twenty-five to thirty countries. Winners of two divisions compete in a grand final held each year in Washington for the Jessup Cup. The moot is probably the most prestigious of international moots. Australia first entered the competition in 1977 and the University entered a team in 1983.

The work load involved is particularly demanding; the problems circulated are on complex and current issues of International law. Detailed research into both international and comparative law is essential to prepare complex pleadings for both sides with a maximum size prescribed. Equally arduous are the moots themselves, particularly where the bench interrogates the advocates, which is the custom. international and comparative law is essential to prepare complex pleadings for both sides with a maximum size prescribed. Equally arduous are the moots themselves, particularly where the bench interrogates the advocates, which is the custom. The work involved is certainly no less than that for a large research project. The form of assessment is arduous. The memorials are assessed by memorial judges, usually distinguished teachers of International law who do not sit in the round, and there are at least two separate assessments by benches. The bench will typically consist of law teachers, practitioners and judges.

Assessment will be based on - (a) performance in preliminary moots held within the School (b) an oral examination of each candidate held within the School (c) an assessment of advocacy, if any, in the Jessup Moot, and (d) an assessment based on the assessment by the memorial judges of the team's written work.

Because of the rules of the Jessup Moot, no assessment will be available until after the conclusion of the Australian finals of the Jessup Moot in each year.

#### **77042 Communications Law**

(Pre-requisite: Completion of Stage 6)

Topics include: the framework for the regulation of electronic or electromagnetic communications; Telecommunications; Mass communications, regulatory and policy framework, the role and functions of the Australian Broadcasting Tribunal, licensing of broadcasters, inquiry procedures, issues of ownership and control of commercial licensees; defamation; contempt; control over the print media, including the role of the Trade Practices Commission, the Australian Journalists' Association and the Press Council.

#### **Texts**

Armstrong, M. ed., *Telecommunications Law Australian Perspectives*, Globe Press.

Armstrong, M., Blakeney, M., Watterson, R. *Media Law in Australia*, Oxford.

Grey, M., Orr, R., Hitchens, L. & Armstrong, M., *Communications Law and Policy in Australia*, Butterworths (Looseleaf service held in closed reserve in the library).

Walker, S., *The Law of Journalism in Australia*; Law Book Company.

#### **77044 Advance Family Law**

(Pre-requisite: Completion of 70512 Family Law (including Succession))

This course will explore the legal relationships arising between members of families with particular emphasis on families involved in a breakdown of their family unit. Families constituted under the Family Law Act, 1975 and through de facto relationships will be the main focus of this course. Other family units (eg homosexual couples) will be referred to whenever relevant to the laws being studies.

Topics will include the financial consequences of family breakdown, child support, critical analysis of custody determinants, court process, and reform issues.

#### **Texts**

Dickey, A., *Family Law*, 2nd ed, Law Book Company, 1990.

Chisholm, R. & Housego, J., *Australian Family Law*, Butterworths, (looseleaf).

Hoggett, B.M. & Pearl, D.S., *The Family Law and Society: Cases and Materials*, 3rd ed, Butterworths, 1991.

#### **77045 Law and Medicine**

(Pre-requisite: Completion of Stage 6)

This subject deals with those areas of law which inter-react with the practice and administration of medicine and other health services. It includes medical negligence, consent, medical records, expert medical evidence in criminal and civil cases, the regulation of the medical profession and other health services, the law and medical ethics, legal aspects of mental health and intellectual disability including legal capacity, the administration of the estates of the mentally ill and intellectually handicapped and the rights of the mentally ill and intellectually handicapped generally.

## Text

Dix, A., Errington M., Nicholson, K. & Powe, R.,  
*Law and the Medical Profession*, Butterworths.

### 77046 Women and the Law

(Pre-requisite: Completion of 70512 Family Law including Succession)

The course deals with the role of the law in constructing and deconstructing inequalities between women and men. Particular emphasis is placed on the relationship between women, law and the family (divorce, separation, de facto relationships, custody, domestic violence); women and crime (women as criminals and victims of crime); women and sexuality; women and work (including women as lawyers).

## Texts

Graycar R & Morgan, *The Hidden Gender of Law*, Federation Press 1991  
Naffine N, *Law and the Sexes*, Allen & Unwin 1990  
Scutt J, *Women and the Law*, Law Book Co. 1991  
*Australian Journal of Law and Society*, Vol 1, 1986

### 77047 Advanced Contracts

(Pre-requisite: Completion of 70211 Elements of Contract)

The subject builds on the student's knowledge of the law of contracts with special emphasis on the many defences available to a party to a contract in equity, and by virtue of legislative intervention.

Topics include: misrepresentation (other than fraudulent misrepresentation); fraud in equity; undue influence; duress; unconscionable bargains; Section 52 of the Trade Practices Act; the Contracts Review Act and section 52A of the Trade Practices Act; Section 88F of the Industrial Arbitration Act; lack of writing and doctrine of part performance; contracts for personal services and those requiring constant court supervision; laches and acquiescence; waiver, affirmation and estoppel; penalties and forfeiture; agency; quasi-contract; and trends in contract law.

## Texts

Meagher, R.P., Gummow, W.M.C. & Lehane, J.R.F., *Equity: Doctrines and Remedies*, Butterworths, 1984.  
Evans, M., *Introduction to Equity*, Butterworths, 1988.

Miller, R.V., *Trade Practices Act*, 12th ed, Law Book Company, 1991.

Goldring, J. Maher, L.W. & McKeogh, J.,  
*Consumer Protection in Australia*, 3rd ed, Butterworths.

Greig, D.W. & Davis, J.L.R., *The Law of Contract*, Law Book Company, 1987 (with 1991 Supplement).

### 77048 Citizenship and Immigration Law

(Pre-requisite: Completion of Stage 6)

This course deals with the development of a distinct Australian citizenship, the right to travel and immigration control in Australia. Constitutional law issues, the legislative framework and the Australian Government's humanitarian and international obligations are treated. Particular topics include: granting of citizenship, passports, statutory concept of entry, refugee status, change of status, deportation, Government policy, immigration programs, Departmental procedures, administrative discretion, legal institutions, natural justice, criminal offences, legal practice and procedure, and comparative study of immigration control systems.

### 77049 Transport Law - Selected Problems

(Pre-requisite: Completion of Stage 4)

This course aims to give an overall understanding of the operation of the transportation system(s) within the confines of the international and domestic rules.

Topics include: the regulatory regime of air, sea, land (road/rail), and multimodal transport; the carriage of goods and passengers by sea; the domestic and international carriage of goods, luggage, baggage and passengers by air; the carriage of goods by land and rail; and legal issues connected with the multimodal transport of goods.

## Texts

Chorley, R.S. & Giles, O.C., *Shipping Law*, Pitman.  
Hill, C., *Maritime Law*, Lloyds.  
Tetley, W., *Marine Cargo Claims*, Butterworths (Canada).  
Carver, T.C., *Carriage by Sea*, Stevens.  
Scrutton, T.E., *Charterparties and Bills of Lading*, Sweet & Maxwell.  
*Australian Law Reform Commission*, Admiralty Jurisdiction, AGPS.  
Diederiks-Verschoor, D.I., *An Introduction to Air Law*, Kluwer.  
Cheng, B., *Law of the Air*, Stevens.

Mankiewicz, R.H., *The Liability Regime of the International Carrier*, Kluwer.  
Shawcross & Beaumont, *Air Law*, Butterworths (looseleaf).

### **77051 International Trade**

(Pre-requisite: Completion of 71112 Conflict of Laws)

This course aims to give students an understanding of the International Trade Law as applied to various transactions, building upon knowledge acquired in 71112.

Topics include: the conduct of business abroad as it relates to agency and distributional agreements, branches and subsidiaries, and the Competition Law; the international sales of goods as in terms of offer and acceptance, stamp terms, performance and the modes of payment, acceptance and rejection of goods, the rights of the unpaid seller, frustration, foreign law, and uniformed laws; customs and law, including the customers tariff, audit dumping and countervailing duties, sales tax on imported goods, and physical and documentary controls of imports and exports; the financial aspects of exports, export credit guarantees, insurance, and carriage of exports; dispute resolution by arbitration, alternative dispute resolution, and litigation.

#### **Texts**

Schmitthoff, C., *Schmitthoff's Export Trade*, Stevens & Sons.  
Ryan, K.W., Cooper, E.J., *International Trade Law*, Law Book Company.  
Cooper, E.J., *Customs and Excise Law*, Legal Books, Sydney.  
Chinkin, C.M., et. al., *Current Problems of International Trade Financing*, Butterworths.  
*Australian Master Tax Guide*, CCH.

### **77052 Dispute Resolution**

(Pre-requisite: Completion of 71201, Optional Skills 12 Dispute Resolution: Co-requisite: 71111 Law of Remedies)

This course deals with the jurisprudence of dispute resolution, and the theory, dynamics and essential characteristics of each dispute resolution process so that effective strategies for resolving a wide range of disputes can be formulated. Students will be given some exposure to, and training in, dispute resolution

so that they can improve their use of negotiation, mediation and arbitration in practice.

Topics include: the concepts of dispute resolution including negotiation, mediation, conciliation and arbitration, the nature of disputes, existing dispute resolution procedures, the theoretical, ethical and practical issues of negotiation and mediation.

#### **Texts**

Astor, H. & Chinkin, C., *Alternative Dispute Resolution in Australia*, Butterworths, 1992.  
Fisher, R. & Ury, W., *Getting to Yes*, Penguin, 1984.

### **77053 Industrial Law**

(Pre-requisite: Completion of Stage 3)

This course examines the Australian system for resolving industrial disputes by compulsory conciliation and arbitration. The course concentrates on the federal arbitration system (and on federally registered unions) but reference will be made to state and overseas legislation where appropriate. Topics include: constitutional limitations to federal power; the workings of the Industrial Relations Act, including the content of awards; the legal status of trade unions; the legislative controls upon a trade union's internal affairs; protection of unionism; legal controls over trade unions.

#### **Texts**

CCH, *Australian Labour Law Reporter*.  
CCH, *Australian Industrial Law Review*.  
McCallum, Pittard & Smith, *Australian Labour Law Cases and Materials*, Butterworths, 1990.  
Gunningham, N., *Industrial Law and The Constitution*, Federation Press.  
Smith, D. et.al, *Trade Union Law in Australia*, Butterworths.

### **77054 Advanced Public Law**

(Pre-requisite: Completion of Stage 6)

This course builds upon some of the more complex issues presented in the core subjects Constitutional Law and Administrative Law, developing an overall perspective on public law and equipping students to deal with issues of increasing relevance in legal practice.

Topics include: the three arms of Government, the executive power of the Crown and the Cabinet government; legislative power as delegated legislation; judicial power of the High Court, encompassing jurisdiction and techniques/methods such as characterisation and interpretation of privative clauses and judicial review; federalism from the viewpoint of separation of powers and intergovernmental relations; recent developments of current interest in public law.

#### Texts

Zines, L., *The High Court and the Constitution*, Butterworths.

Aronson, M. & Franklin, N., *Review of Administrative Action*, Law Book Company.

Harlow, C. & Rawlings, R., *Law and Administration*, Weidenfeld & Nicolson.

Craig, P.P., *Administrative Law*, Sweet & Maxwell.

Macken, J.J., *Australian Industrial Laws: The Constitutional Basis*, Law Book Company.

Stein, L. (ed), *Locus Standi*, Law Book Company.

Whitmore, H. & Aronson, M., *Public Torts and Contracts*, Law Book Company.

## THE RESEARCH PROJECT

Students may complete a Research Project as an optional subject. There are five Research Project subjects to choose from, ranging from one to five semester hours in length. The Research Project subjects are -

77010 Research Project 1 - 1 semester hour

77020 Research Project 2 - 2 semester hours

77030 Research Project 3 - 3 semester hours

77040 Research Project 4 - 4 semester hours

77050 Research Project 5 - 5 semester hours

The aim of the Research Projects is to further develop the student's research skills and students are required to demonstrate:

- (a) a high level of understanding of the law relevant to the topic;
- (b) the capacity to research and analyse legal material;
- (c) the ability to use research tools and skills; and
- (d) the ability to present the results of the research in a coherent and comprehensive form.

Students who hope to graduate with honours must complete either Research Project 4 or Research Project 5 and the results will be taken into account in calculating the "honours mark" (see the Honours Rules page 84).

Experience shows that most students require two semesters to complete a Research Project and are therefore advised to commence work and submit a proposal at least twelve (12) months before anticipated completion of the law course, and before enrolling in the subject. If the project is to continue over two semesters enrolment must again be made in the subject in the second semester.

Students must obtain the Subject Co-ordinator's signed approval of their Research Project topic before they may enrol in the subject.

The Research Project Rules are reproduced in this handbook and students considering enrolment in a Research Project may obtain a copy of the Research Projects Rules from the General Papers Office

## RULES OF THE FACULTY OF LAW

### 1. RESEARCH PROJECT RULES

1. The rules apply to the following optional subjects:

77010 Research Project 1 - 1 semester hour  
77020 Research Project 2 - 2 semester hours  
77030 Research Project 3 - 3 semester hours  
77040 Research Project 4 - 4 semester hours  
77050 Research Project 5 - 5 semester hours

2. A student undertaking a research project is required to demonstrate:

- (a) a high level of understanding of the law relevant to the topic;
- (b) the capacity to research and analyse legal material;
- (c) the ability to use research tools and skills; and
- (d) the ability to present the results of the research in a coherent and comprehensive form.

3. A student shall not complete more than one research project.

4. Assessment is based on a dissertation to be submitted by students which will normally be expected to lie within the following range:

|                    |                     |
|--------------------|---------------------|
| Research Project 5 | 19,000-25,000 words |
| Research Project 4 | 15,000-20,000 words |
| Research Project 3 | 12,000-15,000 words |
| Research Project 2 | 8,000-10,000 words  |
| Research Project 1 | 4,000- 5,000 words  |

5. Where research related to a Research Project has been done for another purpose either in the School of Law or elsewhere, full disclosure of that prior research must be made at the time the topic is submitted for approval. If the topic is approved notwithstanding such prior research then that research shall not form part of the work completed for the research project and shall be excluded from the final assessment. The student shall provide further information concerning that research as may be requested by the Supervisor, the examiners or the Subject Co-ordinator.

6. The examiners of a Research Project may require the student to undergo a viva examination in which case the viva shall form part of the assessment of the subject.
7. The Faculty Board in Law has ultimate control over all aspects of Research Projects. Any student, the Subject Co-ordinator or the Head of School has the right to approach the Board on any issue arising out of these Rules, a Research Project or assessment.
8. There shall be a Subject Co-ordinator for Research Projects who shall be appointed at the first Faculty Board in Law each year and shall hold office until the first Faculty Board the following year. During the absence of the Subject Co-ordinator, the Sub-Dean or Head of School may act in his or her stead.
9. A student may enrol in a Research Project only if that student has:
  - (a) successfully completed Stage 6; and
  - (b) successfully completed any core subject or optional law subject relevant to the topic.
10. A student wishing to undertake a Research Project shall submit a written proposal to the Subject Co-ordinator on the form available from the General Papers Office. The proposal shall include the names of the topic of the proposed Research Project and of the Supervisor. Copies of these proposals shall be circulated by the Subject Co-ordinator to all members of the Faculty's full time academic staff and, if no objection to the application is received by the Subject Co-ordinator within seven (7) days of such circulation, the Co-ordinator may approve the application, including the topic and the Supervisor. Approval must be granted before enrolment can be made.
11. If the Subject Co-ordinator does not approve the application it shall be submitted to the next meeting of the Faculty Board which may approve the application on such terms as it thinks fit, or disapprove the application.
12. A student is required to enrol in the Research Project subject no later than the beginning of the semester following that in which the Subject Co-ordinator or the



Faculty Board approved the proposed Research Project.

13. (a) Supervisors have the day to day control and supervision of research projects and students are required to meet with their supervisors regularly.

(b) Any amendments to the Research Project proposal may be approved by the Supervisor if the Project remains within the same substantial area as previously approved. However, any substantial amendments to the student's approved proposal shall be proposed in writing to the Supervisor and Subject Co-ordinator. Copies of the proposed amendment shall be circulated by the Subject Co-ordinator to all members of the School's full-time academic staff and if no objection to the application is received within seven (7) days of such circulation, the amendment is deemed to be approved.

14. A Research Project shall normally be taken over one semester and the dissertation shall be lodged with the Subject Co-ordinator not later than 5.00 pm. on the Friday of the seventeenth (17) week of the semester.

15. The Head of School may, after consultation with a student's Supervisor and the Subject Co-ordinator, grant the student an extension of time for the submission of the dissertation or permit the subject to extend over more than one semester.

The dissertation must comply with the following format rules:

- (a) The two copies of the dissertation shall be presented. One of these copies will be returned to the student after examination.
- (b) The dissertation shall be written in English in good quality typescript on one side of the paper only. In the body of the dissertation, one and one-half spacing is preferred, but double spacing is permissible. Single spacing may only be used for appendices, footnotes and quotations.

- (c) The paper used shall be good quality medium weight white stock, sufficiently opaque for normal reading.
- (d) The size of the paper shall be I.S.O. A4 (297mmx210mm).
- (e) The margins on each sheet shall be not less than 40mm on the left hand side, and 20mm on the right hand side, top and bottom.
- (f) The dissertation shall be accompanied by an abstract of not more than 400 words.
- (g) Both copies of the dissertation shall be presented in a permanent and legible form and if not bound, then suitable for future binding.
- (h) Each copy of the dissertation shall be enclosed in a stiff cover.

16. (a) For Research Projects 1-3, the Supervisor shall be the sole examiner in the subject but there shall be an assessor who is appointed by the Faculty Board in Law.
- (b) For Research Projects 4 and 5, there shall be two examiners, appointed by the Faculty Board in Law. If there are any unresolved differences of opinion on any matter relevant to a student's assessment such differences shall be resolved by an umpire appointed by the Head of School.

17. Prior to final assessment of a Research Project the examiners may require the students to rewrite and resubmit the dissertation in whole or in part and in such a case the examiners shall provide details of the parts of the dissertation that require amendment, and their reasons for requiring such amendment. When a student is required to rewrite and resubmit the dissertation that student shall be permitted to extend the subject over two semesters and shall re-enrol in the subject for a second semester.

## **2. HONOURS RULES**

### **1. Definitions**

- 1.1 In these Rules:-  
'subject' means any Law subject other than a Skills course; and 'course' means a Skills course.

### **2. Awards**

- 2.1 Awards of the degree shall be classified as follows:  
(a) degree (with First Class Honours);  
(b) degree (with Second Class Honours);  
and  
(c) degree.
- 2.2 Award of the degree with Second Class Honours shall not be graded.

### **3. Requirements of Honours**

- 3.1 To qualify for an award of the degree with Honours a student shall:  
(a) successfully complete not less than 72 semester hours of subjects and courses (including not less than 8 hours of courses) within School of Law;  
(b) successfully complete either the subject 77040 Research Project 4 or 77050 Research Project 5;  
(c) obtain an Honours mark calculated in accordance with Rule 5 hereof, of or above that prescribed herein, namely,  
(i) for First Class Honours...75%  
(ii) for Second Class Honours...67.5%
- 3.2 In exceptional circumstances the Faculty Board in Law may modify or dispense with the requirements of Rule 3.1 (a).

### **4. Effect of Failure**

- 4.1 Subject to Rules 4.2 and 6 hereof, a student shall not be awarded the degree with Honours if he or she fails any subject or course.
- 4.2 In exceptional circumstances, and in particular if failure in a subject or course is occasioned by a student's illness or other personal difficulties beyond the student's control, the Faculty Board in Law may award the degree with Honours notwithstanding any such failure.

## **5. Calculation of Honours Marks**

- 5.1 No marks awarded in courses shall be taken into account when assessing a student's Honours mark.
- 5.2 In the calculation of Honours marks, "Total Subject Mark" means in relation to a student the sum of the 14 highest marks obtained by that student in subjects.
- 5.3 A student's Honours mark shall, subject to Rule 5.4, be obtained by application of the following formula, namely,  
$$\frac{\text{Total Subject Mark}}{14} \%$$
- 5.4 A student's Total Subject Mark shall include the mark obtained by that student in the subject "Research Project" notwithstanding that such mark would not otherwise be included in the Total Subject Mark.

## **6. Relation of Stage 1 to Honours**

- 6.1 Any failure or failures in subjects or courses prescribed for Stage 1 of the programme for the degree of Bachelor of Laws shall be disregarded for all purposes and shall in no way operate to preclude a student under Rule 4.1 from being awarded the degree with Honours.

## **3. RULES FOR SUMMER PROGRAMME IN LAW**

### **1. Time**

The Summer Programme in Law will consist of eight teaching weeks to be held over the nine week period terminating immediately prior to the commencement of teaching for re-enrolling students in Autumn Semester in each and every year, provided that no teaching will be offered during the week between Christmas Day and New Year's Day.

### **2. Enrolment**

- 2.1 A student may make application by the end of October prior to the Summer Programme in Law to the Head of School for enrolment in no more than one subject in the Summer Programme in Law.

Provided that the Head of School may where a student is in the opinion of the Head of School performing at an exceptional level

and appears to have sufficient time to undertake more than one subject permit that student to undertake no more than two subjects with a maximum equivalent of five semester hours.

2.2 The Head of School may approve an application for enrolment if the Head is satisfied that the student's previous academic performance is satisfactory. Without prejudice to the provisions of Rule 2.3, a student's previous academic performance will normally be regarded as not satisfactory where the student's WAM in the preceding Autumn Semester is less than 55.

2.2.1 A student may request and be granted a review of any refusal of enrolment by the Head of School. The review will be conducted by a committee nominated by the Head of School and approved by the Faculty Board.

2.3 Approval of enrolment shall be at the Head of School's discretion and shall be conditional upon the student passing any pre-requisite prior to the commencement of the Summer Programme and upon there being sufficient places in the Summer Programme available and the student passing all subjects in which the student is enrolled in the Spring Semester immediately prior to the Summer Programme.

2.4 A student may withdraw from the Summer Programme by notice in writing to the Head of School by the HECS census date or, with the approval of the Head of School, at a later date.

### 3. Administration

The Head of School may from time to time determine maximum and minimum sizes of classes for each subject offered in the Summer Programme. In the event that the minimum size is not reached in a subject the Head of School may cancel that subject.

3.1 The Head of School shall forward all approved enrolments to the Academic Registrar prior to the commencement of the Summer Programme.

3.2 The Academic Registrar shall treat applications and notices received under the preceding paragraph as well as examination results approved by the Faculty Board in Law as if they related to subjects taught and assessed in the Autumn Semester immediately following the Summer Programme.

3.2.1 The Academic Registrar shall provide normal administrative support for the Summer Programme.

3.2.2 The Faculty of Law shall provide the teaching and assessment required for the Summer Programme.

3.2.3 The Business Manager shall arrange appropriate insurance if necessary and normal administrative support for the Summer Programme both in respect to staff and students.

3.2.4 Library support as may be possible will be arranged by negotiation between the Dean of the Faculty of Law and Legal Practice and the Head of the Library.

### 4. Subjects

4.1 Only optional and skill subjects offered by the School of Law may be included in the Summer Programme and then only upon application by the proposed lecturer in that subject to, and approval by, the Faculty Board in Law and Legal Practice, provided that where the nature and content of the subject permits, the subject is also offered in the academic year preceding or following the Summer Programme.

The Faculty Board in Law, in granting approval for the inclusion of any subject in the Summer Programme may in accordance with this rule indicate that the subject has not been offered in the academic years preceeding the Summer Programme and cannot be offered in the academic year following the Summer Programme.

4.2 The Dean or Head of School shall grant by agreement with the lecturer participating in any subject in the Summer Programme in Law full credit for such participation against

his or her teaching commitment in a subsequent semester or semesters, but these credits may not be accumulated beyond four semesters. Such credit shall be confirmed in writing immediately after approval is granted for the inclusion of the Subject in the Summer Programme by the Faculty Board in Law. The commitment to teach the subject shall also be confirmed in writing.

- 4.3 The Faculty Board in Law may grant approval for the inclusion of any subject in the Summer Programme only on the application of the proposed lecturer with the support of his or her Head of School and only on being satisfied that there are adequate library facilities.
- 4.4 Upon a subject being approved by the Faculty Board in Law the Head of School shall give notice to the Academic Registrar of the Faculty's requirements for the teaching of that subject.
- 4.5 The number of semester hours, of teaching hours, and the assessment given in a subject included in the Summer Programme in Law shall be equivalent to the offering of that subject in the Autumn or Spring Semesters of the University.

#### 4. STUDENT INFORMATION

##### Central Information Service

The Central Information Service is located on Level 4, the Foyer of the Tower Building at Broadway and should be used as the first point of contact for all enquiries regarding the University. Course information and student forms are available at that Office.

The Office is open from 8.30am.-6.00pm. Monday to Thursday and 8.30am. - 5.00pm. on Friday  
Telephone: 330-1213

##### Student Counselling

- (a) **Students with disabilities:** It is University policy to promote access for people with physical disabilities and to provide support to students throughout their time here. Such students are encouraged to contact the following staff members and to discuss any special needs they may have:

Ms Margaret Harvey, Law Faculty Liaison Officer, Room B302, Markets Campus (Telephone 330-3444 or 330-3425).

Ms. Marie Flood, Special Needs Co-ordinator, Student Services, Building 1, Level 3, Broadway (Telephone 330-1183).

Ms. Philippa Davis, Library Services to Disabled Co-ordinator, Library, Markets (Telephone 330-3341).

**Physical access for students using wheelchairs:** The Special Needs Co-ordinator can provide hints about getting around Markets. Some key points for students in wheelchairs:

The only lift is in the Library and most students using wheelchairs have to use it to move between floors. Students need to ask Library staff to let them through a locked door to the School of Law. There is a central ramp for moving between floors, but it is long, steep and recommended for going down rather than up.

Parking is available for students with disabilities, but needs to be arranged through the Special Needs Co-ordinator. Access to the School from the car park at the rear of the building is possible, except for weekends when students have to call Security and arrange for them to open the back door. The alternative is to park on Quay Street at weekends, but the gutters are not ramped yet. To gain access to the Library from the car park you have to ring Security (330 3399 or 330 3375) or the Library (330 3388) and ask them to bring the lift down for you. These requirements are necessary for the security of the Library.

The entrances to the Library and the School of Law are ramped, but there are steps between the two sections, which means going out onto Quay Street to move between them.

Some senior staff offices are inaccessible, such as those on level 2, which is sometimes called the mezzanine level. The majority of lecturers' offices are accessible.

- (b) **INPUTS Special Admission Scheme:** All students accepted as part of the INPUTS Special Admission Scheme, on the basis of educational disadvantage are advised to contact Ms. Margaret Harvey, Law Faculty Liaison Officer, Room B302, Markets (Telephone 330 3425) or Mrs. Marie Flood, Special Needs Co-ordinator, Student Services, Building 1, Level 3, Broadway (Telephone 330 1183) and ensure they find out about services which are available to support them.
- (c) **Language, financial and other problems:** Generally, students may contact the Student Counsellors who are located in Building 1, Broadway (Telephone 330 1177) if they have problems of a personal, study or administrative nature which are likely to affect a student's progress. Discussions are treated with complete confidentiality. More particularly, students with a language problem may contact the Studies Skills Counsellor, Student Services, Building 1, Level 3, Broadway (Telephone 330 1177) and students with a financial problem may contact Ms. Geraldine Ray, Student Services, Building 1, Level 3, Broadway (Telephone 330 1177).

#### **Student Health Service**

A free medical service is available to students of the University. Dr Lesley Peters has a surgery on Level 3A at the Tower Building, Broadway, and is available for consultations between 9 am. - 6 pm. Monday to Wednesday. A second general practitioner is available during the same times on Thursday and Friday. Appointments can be made by calling (330 1166).

#### **Notices**

Official University notices are displayed on the notice boards, Level 1 of the School, and students are required to be acquainted with the contents of those announcements which concern them. Misreading or misunderstanding of official

information will not be accepted as a reason for a student being unaware of matters so notified.

#### **Parking**

The University Car Park in Quay St., opposite the Library, may have limited parking space available for students after 3.00p.m. Kings car parks and the Apple car park offer discounted student parking.

#### **Law Students Society**

The Law Students' Society is a voluntary association of law students. The Society's objectives, as stated in its Constitution, are as follows:

- To represent its members in all matters affecting their interests;
- To promote the social and intellectual life of the Society;
- To promote and enhance the general wellbeing of members; and
- To afford a recognised means of communication between the Society and other law associated bodies.

The Society is governed by a Council of twelve student members, elected at the Society's Annual General Meeting in the Autumn Semester each year. The Council elects the Executive. The Council meets on a monthly basis during each semester.

A primary function of the Society is to provide representation for its members in matters affecting their welfare as students. Membership is available to all students enrolled with the School of Law, for a nominal membership fee. Membership fees are set annually by the Council - currently \$10.00 p.a.

Social activities are organised on a regular basis, and admission at discounted prices is available to members. These functions provide a means whereby students can discuss the course and their problems in a relaxed atmosphere. A feeling of isolation is common among part-time students, and the society encourages its members to discuss their problems with their fellow students or celebrate the successful finish of a semester at the Annual Law Students' Ball in June and the Law Harbour Cruise in December.

The Society operates a secondhand bookshop through which members may buy and sell textbooks.

The Society is often requested to provide students' views on matters related to the course. Any student wishing to discuss any matter, or who seeks the assistance of the Society, should contact a Council member. A list of Council Members and their telephone numbers appears on the Society's notice board on Level 1 of the Faculty on the wall outside the Law Students' Society room, B112.

Details of activities and functions, and other matters of interest to members, are displayed on the Society's notice board, and students should inspect the notice board on a regular basis.

Justice Mary Gaudron of the High Court of Australia is one of two patrons, the other being Professor David Flint, Dean and Head of School of the Faculty of

Law. With their encouragement, the Society will continue to serve its members and our Faculty.

All law students are encouraged to join the Law Students' Society and to participate in its activities.

#### **School Assembly**

A School Assembly is called in each semester by the Law Faculty. All students are requested to attend the assembly where discussion of matters of student interest take place. The Law Students' Society president is normally in the chair.

#### **Prize Ceremony**

An annual prize ceremony is held at the Faculty in May of each year in recognition of the academic achievements of students.

### **5. PRIZES**

The following is a list of prizes awarded for the LL B degree. These prizes may be awarded each semester but will only be awarded if there is a candidate who reaches a level of academic achievement acceptable to the Faculty Board in Law and Legal Practice.

| <b>DONOR/NAME OF PRIZE</b>                             | <b>VALUE</b>        | <b>AWARDED FOR</b>  |
|--|---------------------|---|
| <b>The Dean's Prize</b>                                | \$100 & Certificate | The highest WAM in Stages 1-6 of the course for each semester |
| <b>*The Dean's Special Prize</b>                       | \$200               | Outstanding contribution and service to the School of Law     |
| <b>The Law Society of New South Wales</b>              | \$100               | Proficiency in Skills Seminar 3                               |
| <b>The Department of Business and Consumer Affairs</b> | \$100 & Certificate | Best Performance in Law of Associations                       |
| <b>*Freehill Hollingdale &amp; Page</b>                | \$250 & Certificate | Best performance in Commercial Transactions                   |
| <b>McCarthy Associates Pty Ltd Prize</b>               | \$150 & Certificate | Best performance in Labour Law                                |
| <b>McCarthy Associates Pty Ltd Prize</b>               | \$100 & Certificate | Best performance in Conciliation & Arbitration                |
| <b>Gross Prize in Family Law</b>                       | \$100 & Certificate | Best performance in Family Law                                |
| <b>Gross Prize in Human Rights</b>                     | \$100 & Certificate | Best performance in Family Law                                |
| <b>*Karen Morton Memorial Prize</b>                    | \$100 & Certificate | Best performance in Industrial & Intellectual Property        |
| <b>Abbott Tout Russell Kennedy</b>                     | \$100 & Certificate | Best performance in Local Government                          |
| <b>Ebsworth and Ebsworth</b>                           | \$200               | Best performance in Law of Insurance                          |
| <b>*Veronica Pike Prize</b>                            | \$100               | Best performance by a female student in Law of Evidence       |

\*Prize awarded annually.

Butterworths donate book vouchers to the value of \$50 which are awarded at the prize ceremony held at the Faculty in May of the following year, to students attaining the second highest WAMs in Stages 1-6, in each semester.

#### **Scholarships**

There are presently two scholarships available for the LL B degree. These are the Phillips Fox Scholarship

in Law, and the Tress Cocks and Maddox Scholarship in Law, tenable for one year only. Information is available from the School of Law.

## **POSTGRADUATE PROGRAMMES:**

**Doctor of Philosophy; Doctor of Juridical Science; Master of Laws by Coursework; Master of Laws by Thesis; Graduate Diploma in Industrial Property; Graduate Certificate in Comparative Law; Master of Taxation**

The Faculty of Law and Legal Practice offers a variety of postgraduate programmes to suit lawyers with differing needs. In addition to the traditional degrees of LL.M by Thesis and PH.D, the Faculty offers an LL.M by Coursework, a Graduate Certificate in Comparative Law (part of the Recommended Programme for Civil Lawyers), a Graduate Diploma in Industrial Property and the Doctor of Juridical Science (SJD).

The Faculty of Law and Legal Practice of the University of Technology, Sydney was established in 1977 to provide legal education with a strong professional bias. The LL.M by Coursework and SJD programmes were established in 1989, and the Faculty has attracted large numbers of candidates in its various post-graduate courses.

The Faculty of Law and Legal Practice is advised in all its academic programmes by a Course Advisory Committee composed of representatives of the Chief Justice, the Attorneys-General, the Bar, the Law Society, the Corporate Lawyers' Association, the College of Law and other eminent practitioners. The Faculty, together with the Course Advisory Committee, ensures that both new and existing programmes are of the highest academic and professional standard.

The Law Faculty is located on the Markets campus, on the corner of Quay Street and Ultimo Road, Haymarket. It is accessible by the Darling Harbour monorail (Haymarket station), train (Central Station) and UTS George Street buses. The University car park in Quay Street, opposite the Library, has limited parking space available for students after 3 pm. Kings Car Parks and the Apple Car Park offer discounted student parking.

General administrative information on all programmes may be obtained from

Ms Anne Maree Payne  
Graduate Courses Officer  
Room B304 Markets Campus  
PH: 330 3427 or 330 3444  
FAX: 330 3421

Academic information and advice may be obtained from

Associate Professor Dr Katrin Cutbush-Sabine  
Sub-Dean and Director of Post-Graduate  
Programmes  
Room B334 Markets Campus  
PH: 330 3442  
FAX: 330 3421

## **DOCTORAL PROGRAMMES IN LAW:**

### **DOCTOR OF PHILOSOPHY AND DOCTOR OF JURIDICAL SCIENCE**

#### **1. DOCTOR OF PHILOSOPHY**

A candidate for the Doctor of Philosophy (Ph.D) is required to submit a thesis, of approximately 100,000 words, representing an original contribution to the knowledge of a subject.

Candidates must submit a report to their Principal Supervisor each semester, and during the first year of study candidates undergo a Doctoral Assessment, to ensure that they are equipped with the knowledge to complete their research programme within the prescribed time.

#### **Admission**

Candidates for the Ph.D must have a Masters Degree, or an LL.B with First Class Honours or Second Class Honours, Division 1.

Candidates in the LL.M by Thesis programme may apply to transfer to the Ph.D after a minimum of one year's study, having reached a standard equivalent to that of a Bachelors degree with First Class Honours or Second Class Honours, Division One.

Applicants should contact the Sub-Dean, Associate Professor Dr Katrin Cutbush-Sabine, to discuss their programme of study, prior to the submission of their application.

#### **Eligibility for Award**

The Ph.D requires the following minimum enrolment periods:

- 1) For candidates with a Masters Degree, the programme can be completed in a minimum of four semesters of full-time enrolment, or six semesters of part-time enrolment.
- 2) For candidates with a Bachelors Degree (Honours), the programme can be completed in a minimum of six semesters of full-time enrolment, or eight semesters of part-time enrolment.

Full-time students must submit their dissertation not later than eight semesters from the date of their registration; for part-time students, the maximum

time allowed is twelve semesters from the date of their registration.

#### **Areas of Research Interest**

The academic staff of the Faculty have indicated their particular post-graduate research interests in the following areas:

Alternative Dispute Resolution; Air Law; Business Law, particularly in relation to banking and finance; Chinese Law, in particular foreign investment, copyright, and dispute resolution; Comparative Law; Computer Law and Computerized Legal Retrieval; Criminal Law; Economic Law; Environmental Law; European Community Law; Family Law; Fiscal Feudalism; Human Rights Law; Intergovernmental immunity; International Law, including International Migration Law, International Relations, and International Trade and Financial Law; Intellectual and Industrial Property Law; Joint Ventures and Trade Agreements; Jurisprudence; Legal Drafting; Legal Philosophy; Legal Research and selected aspects of Legal History; Local Government; Statutory Interpretation; Taxation - domestic and international; Tort Law; Trade Law.

This list is intended as a guideline only and other proposals will be considered.

#### **2. DOCTOR OF JURIDICAL SCIENCE**

The Doctor of Juridical Science (SJD) programme offered by the Faculty of Law and Legal Practice was the first of its kind in Australia. It combines coursework and original research, culminating in a doctoral dissertation.

A candidate for the SJD completes the equivalent of four two semester subjects. Subjects will be selected from the LL.M/SJD programme, or from similar programmes in other law schools.

The candidate also undertakes a doctoral dissertation. The dissertation must represent an original contribution to a field of study, and should be approximately 50,000 - 70,000 words in length.

The SJD, with its unique combination of coursework and individual research, counters the isolation experienced by many Ph.D candidates. It provides candidates with the opportunity to develop their doctoral dissertation within the context of a coursework programme, allowing them to benefit from contact with other candidates. The coursework



ingredient ensures that doctoral study is broadened by coursework subjects related to the dissertation.

### **Admission to the SJD**

The University's Doctoral Regulations require an LL.M or an LL.B with Honours for admission to the SJD. (This is subject to certain restrictions which are set out in paragraph 3.5.2.1 of the Regulations for the Doctoral Programme.)

Students who have satisfactorily completed at least two subjects in the LL.M by Coursework at an appropriate standard (a grade point average of 67.5%), may request a transfer to the SJD programme.

### **Attendance**

The SJD programme may be undertaken full-time or part-time and, as regards the dissertation, externally if desired. The SJD programme can be completed in a minimum of six semesters of full-time study or eight semesters part-time. Maximum time periods for completion also apply.

## **MASTERS DEGREES: LL.M BY COURSEWORK AND THESIS, MASTER OF TAXATION**

### **3. MASTER OF LAWS BY COURSEWORK**

#### **Attendance**

The LL.M by Coursework requires the completion of the equivalent of four year-long units or subjects; there are a variety of ways in which these subjects may be undertaken. The majority of subjects offered involve 2 hours per week of seminars, held over one or two 12 week semesters.

As another alternative, the Faculty of Law and Legal Practice offers intensive subjects in its Summer and Winter Programmes. These programmes involve a concentrated period of internal attendance, which is equivalent to the attendance requirement of LL.M and SJD subjects in the one or two semester mode. Assessment is completed externally, over the following semester.

Some subjects, such as the Research Project, Research Paper and the International Comparative Law Project, do not require formal attendance at the Faculty.

The Masters programme may be completed in a minimum of two semesters of full time attendance or four semesters of part-time attendance.

LL.M by coursework candidates may opt, during the period of candidature, to transfer to the SJD degree. This option may be exercised at any time after the completion of two subjects in the LL.M programme, prior to taking out the Masters degree. LL.M candidates transferring directly to the SJD degree must have attained a grade point average of 67.5 % for coursework completed. Candidates who transfer from the Masters programme will not take out the Masters degree.

### **Admission to the LL.M by Coursework**

There are two categories of admission. Those candidates who have an LL.B, or high professional standing, may enter the programme without further requirements as "Category A" candidates.

All other candidates, "Category B" candidates, are assessed on the basis of qualifications and professional experience, and are required to attend seminars in Advanced Legal Research in their first year of candidature. The Faculty requires students to reach a satisfactory level in this co-requisite subject. "Category B" candidates are also required to complete satisfactorily all courses attempted during the first year of candidature.

As the Faculty of Law and Legal Practice is essentially a professional law school, strong emphasis is placed upon professional standing and experience in assessing candidates. The number of places in each year is limited.

### **LL.M with Honours**

Honours candidates are required to submit a Research Project. The recommended length of the Project is between 20,000 and 30,000 words; it consists of a major paper suitable for publication, or any other type of research work approved by the Faculty Board. It will normally develop and extend work done in one or more of the subjects already undertaken, but in appropriate circumstances a candidate may be permitted to undertake a new topic.

To qualify for First Class Honours, candidates must attain a grade point average of 80 % or higher, including a High Distinction in at least one subject. Second Class Honours requires a minimum grade point average of 75 %.

Candidates who enter the programme under "Category B" admission are also eligible to receive the LL.M with Honours, provided they meet all the requirements. The assessment for the compulsory subject Advanced Legal Research is not included in the grade point average score.

#### **Concentrations in the LL.M by Coursework**

By choosing an appropriate mix of subjects it is possible, but not obligatory, to major within the LL.M. The concentrations include:-

Alternate Dispute Resolution  
Asian Law  
Commercial Law  
Industrial Property Law  
International Banking and Financial Law  
International Business Law  
International Transport Law  
Public Law  
Taxation Law`

At least three year-long subjects, or for Honours candidates two subjects and the Research Project, must fall within the area of the concentration.

### **SUBJECTS AVAILABLE WITHIN THE LL.M AND SJD**

The following are subjects available in the LL.M and SJD programmes. The summaries of the syllabus for each subject are an indication of the scope of the subject; the precise topics to be dealt with in each year will be determined in the light of recent developments and other relevant factors.

#### **Key to concentrations appropriate to subjects:**

{adr} = alternate dispute resolution  
{a} = Asian law  
{c} = commercial law  
{ib} = international business law  
{if} = international banking and financial law  
{ip} = industrial property  
{it} = international transport  
{p} = public law  
{t} = taxation law

The Faculty cannot undertake to offer all subjects in all years.

#### **Admiralty Law 77736**

(One semester, {it})

This subject will give students an appreciation of public and private international law aspects of maritime commerce and transportation, whilst ensuring a knowledge of the Australian law governing the relevant areas selected for study. Reference will be made to pertinent international conventions and their adoption (or otherwise) in Australia, as well as to current international deliberations.

#### **Advanced Administrative Law 77706**

(2 semesters, {p})

Topics will include major developments in the common law and in Federal administrative law. Particular attention will be paid to developing forms of remedies, the alternative forms of review of administrative action through, for example, the Ombudsman, and current issues and prospective developments. Administrative law is relevant to all forms of government activity including regulation of trade and commerce.

#### **Advanced Comparative Law - The Common Law 77742**

(2 semesters)

This is an intensive course which provides the bridge between the civil law and the common law. It opens with tuition and practical exercises in the research skills and methodology of the common law. The topics covered by Advanced Comparative Law are: primary and secondary sources of the common law; the development of the common law; courts and lawyers; the spread and reception of the common law; law finding in the common law; contract law in the common law; public law and the common law and business transactions in the common law. The course also involves visits to the courts and Sydney law offices. The programme is open to graduates and lawyers from civil law countries; it would not normally be undertaken by those who have common law qualifications, or who are admitted to practice in a common law jurisdiction.

#### **Advanced Constitutional Law 77707**

(2 semesters, {p})

This subject involves a consideration of current issues in constitutional law, the three arms of government, and a review of recent developments in various aspects of Federal powers.

### **Advanced International Economic Law 77738**

(1 semester, {c}{ib}{if}{t})

This subject is designed to develop an advanced understanding of the law governing the international economy, and the relations between participants in that economy. Aspects of international economic law shall be considered including the IMF; floating currencies; foreign exchange control law and international contracts - Article VIII of the IMF; aspects of international fiscal law; the European Monetary System; sovereign debt problems and Eurocurrency markets.

### **Advanced Legal Research 77700**

(1 semester)

These seminars are on the methodology of research appropriate to graduate study involving the primary and principal secondary sources of law in NSW and the Commonwealth. In addition, the sources of law in a selected number of jurisdictions - England, United States, New Zealand and Canada - are considered. The sources of international law constitute a special topic. Advanced Legal Research is a co-requisite for "Category B" LL.M candidates, but is open to all LL.M and SJD candidates.

### **Advanced Media Law 77722**

(2 semesters, {c})

This subject involves an examination of legal problems relating to both electronic and print communications. In the field of electronic communications the various aspects of establishment and regulation will be considered. In addition, there will be a consideration of the law applicable to all media - defamation, contempt - particularly in relation to recent developments.

### **Advanced Mediation 77746**

(1 semester, {adr})

This subject will teach the theoretical and practical aspects of mediation at an advanced level. It is designed to give students an understanding of the processes of mediation and the theories of methods and approaches to mediation. Skills in the techniques of mediation will be developed to an advanced level. This subject will also examine the use of mediation as an adjunct to litigation.

### **Advanced Remedial Law: Damages 77731**

(1 semester, {c})

This subject will involve an advanced study of the following topics: compensation and the measure of damages; the Once for All Rule; certainty;

causation; remoteness; mitigation; contributory negligence; effect of taxation, inflation; interest; contrast of promissory, reliance, restitutionary and indemnity damages; concurrent liability in contract and tort; pre-contract expenditure; non-pecuniary loss; discretionary benefits; property damages; economic loss; damages in equity; date of assessment of damages and punitive damages.

### **Advanced Remedial Law: Equitable Remedies**

77732 (1 semester, {c})

The range of the following topics shall be studied: inadequacy of damages; discretion - unconscionability and hardship; discretion - constant supervision, partial enforcement through injunction; discretion - lack of mutuality, unclean hands, laches, ready willing and able, public interest; part performance; protection of private property rights; protection of public interest; urgent relief; Mareva injunctions and Anton Pillar orders; rescission; declaration; account; rectification and delivery-up of documents; receivers.

### **Air Law 77718**

(2 semesters, {c}{ib}{it})

This subject is dealt with at both the international and domestic levels. The topics considered include the regulation and organisation of aviation (including sovereignty); the system of carrier liability with emphasis on the Warsaw system; third-party liability (including damage caused to third parties on surface, environmental damage and aviation products liability); aviation insurance and security issues.

### **Anti-Discrimination Dispute Resolution 77750**

(1 semester, {adr})

This subject is designed to cover the theory and practical implications of using the newer dispute resolution processes in anti-discrimination and equal opportunity disputes. The processes used within this area combine assistance to the disputants to resolve their own dispute with an imposed decision. The implications of vesting these two very diverse functions in one body, and even in one person, will be addressed. The success or failure of the use of these processes for their intended purposes will be considered. New initiatives for dispute resolution within the area of discrimination will be examined, and the reasons for their growth will be analysed.

**Banking Law 77715**

(2 semesters, {c}{if})

This is an advanced study of the following topics: the banking system, regulatory framework, relationship between bank and customer, bills of exchange, and duties and responsibilities of paying and collecting banks.

**Capital Gains Tax 77719**

(2 semesters, {c}{t})

This subject involves an in-depth study of capital gains tax (CGT) including consideration of legislative amendments since introduction of CGT; the effects of CGT on partnerships, trusts, companies, non-residents, and death; the "nightmare" provisions; CGT and convertible notes; CGT and roll-over provisions; current practical problems; overseas experience; the role of the CGT Subcommittee and ATO rulings and practice.

**Carriage of Goods by Sea 77737**

(1 semester, {it})

This subject, designed to accompany Admiralty Law, examines the regulation of shipping conferences, and the rights and obligations of parties to contract for the carriage of goods by sea (carrier and shipper), with special reference to charter parties and bills of lading. The areas studied include anti-trust laws; the Hague Rules; seaworthiness and the duty to take care of cargo; demurrage; general average; freight and marine insurance. Problems associated with intermodal transport operations will also be discussed.

**Chinese Law and Legal Systems 77733**

(1 semester, {a}{ib})

This course provides a background to further specialist study of contemporary Chinese Law, including Chinese commercial law relating to foreign investment, and investigates Chinese communist legal styles, attitudes and structures, as well as traditional imperial Chinese legal attitudes and methods.

**Chinese Trade and Investment Law 77729**

(1 semester, {a}{c}{ib}{if}{t})

This subject comprises an introduction to the trade and investment law of the People's Republic of China. Topics considered include: the role of law in China; the law-making process and interpretation; legal aspects of China's foreign trade; legal aspects of foreign investment in China; contractual and equity joint ventures and wholly-owned foreign

enterprises; taxation of foreign interests; foreign exchange control; banking and finance and dispute resolution.

**Computerised Legal Information Systems 77714**

(2 semesters)

This subject involves the study of free text retrieval systems and knowledge-based applications (expert systems). Although principally a practical subject, the implementation of programmes which are capable of legal reasoning will necessitate consideration of the nature and types of such reasoning.

**Construction Industry Dispute Resolution 77749**

(1 semester, {adr})

This subject covers the theory and practical implications of using the newer dispute resolution processes in the construction industry. This industry is recognised as one which has attracted experimentation in resolution processes. The history of these processes and their successes and failures and the place of formal and informal arbitration within the industry will be covered. New initiatives and current construction Industry dispute resolution programmes in the USA and Australia will be studied.

**Corporations, Finance and Securities 77711**

(2 semesters, {c})

This subject considers a number of topics of current relevance to corporations law, securities law, and corporate finance. The topics covered in the course include takeovers; the close corporation; share buy-backs; the new federal company law regime; investigations and related topics; developments in directors' duties; an overview of the financial markets from an economist's viewpoint; the securities industry; controls on public offerings; criminal and civil sanctions relevant to the securities industry; financial advisers; secured and unsecured finance; corporate and unincorporated joint ventures; leasing; subordination; use of commercial paper as a financing technique; syndication and participation; credit facilities; controls on foreign investment and taxation issues in the context of finance law.

**Corporate Insolvency and Restructuring 77730**

(1 semester, {c})

The subject comprises an advanced study of corporate insolvency law. Topics considered include: the regulating structure; secured and

unsecured creditors; reservations; liquidation; schemes of arrangement; official management; the role of directors and foreign companies and foreign proceedings.

### **Current Problems of Public International Law 77702**

(2 semesters, {ib}{p})

This subject will permit students to develop an advanced understanding of the subject, including topics such as recent developments; sources of public international law; dispute resolution; diplomatic immunity; the law of the sea; extradition and asylum; international protection and human rights; treaty practice and procedure; the recognition of states and governments.

### **Deceptive Trade Practices and Product Liability 77712**

(2 semesters, {c})

This subject is an advanced study of Parts V and VI of the Trade Practices Act (and analogous legislation). Topics covered include deceptive trade practices; remedies; unconscionable conduct; suppliers', service providers' and manufacturers' liability. Emphasis is placed upon recent legal developments.

### **Designs Law 77727**

(2 semesters, {ip})

The subject comprises a study of the law relating to the registration of designs. Topics include the history of registered design legislation; meaning of design; requirements for registration; novelty or originality; registration process; term; ownership of registered design; rights created by registration; rectification of the register; licences and assignment; compulsory licences; transition provisions; design and copyright overlap; relevance of the Trade Practices Act 1974; international obligations and Circuits Layout Act 1988.

### **Dispute Resolution 77735**

(2 semesters, {adr})

This subject is an introduction to the theoretical and practical aspects of this newly developing area of law. It is designed to give an overview of the processes of dispute resolution. Topics covered will include an overview of dispute resolution processes in Australia; its theoretical basis; implications for the Rule of Law; introduction to mediation and negotiation theory; conflict resolution skills; critiques of ADR and its implementation and studies

of dispute resolution processes in other countries, particularly the Pacific Rim countries. A compulsory component of the course is a three day ADR Skills Workshop.

### **Domestic Arbitration 77752**

(1 semester, {adr})

Topics to be covered include the arbitration agreement and its scope; the arbitrator's jurisdiction; reference by the court to a referee or arbitrator; the inherent jurisdiction of the court to interfere in arbitral proceedings; agreement binding on the Crown; the appointment of arbitrators and other related matters; the Umpire entering upon the reference; the distinction between an arbitration certification, valuation, assessment, an exception clause, reference to arbitrator, or quasi-arbitrator; powers and duties of the Arbitration Tribunal; subpoenas; evidence; legal representation; amiable compositeur or Ex Aequo et Bono; interim awards; specific performance; extension of ambit of arbitration proceedings; duties of parties; right of appeal; exclusion agreements; misconduct; remission of award; removal of arbitrator or umpire; sundry provisions; Scott v Avery Clause; foreign awards.

### **Economic Law in Eastern Europe 77743**

(1 semester, {c}{ib}{if})

Topics to be covered include the functions of law in Eastern Europe; the legal environment of business; privatisation and re-privatisation policy and its legal forms; aspects of company law; banking law; taxation systems; anti-trust legislation; insurance and re-insurance; securities markets; foreign investment laws; the EEC and association agreements; OECD and "Partners in Transition"; aspects of contracts in corporate business and dispute resolution processes.

### **European Community Law 77704**

(2 semesters, {c}{ib})

Topics include the activities of the European institutions especially the EEC; the political and economic origins of the EEC and its institutional structures with emphasis on the Court of Justice; the laws of the member states and the free movement of goods, workers, capital and services. The subject concentrates on the emerging trans-national protection of social and economic rights and the jurisprudence of the European Court of Justice.

**European Community Anti-Trust Law 77741**

(1 semester, {c}{ib})

This subject is designed to provide an understanding of the provisions of Article 85 and 86 of the Treaty of Rome, with a brief survey of its relationship to one of the member states of the European Community (normally the UK).

**Franchising Law 77744**

(1 semester, {c})

This subject aims to acquaint students with the role of franchising in the economy, the strengths and weaknesses of franchising, and the relevant applicable law. Topics will include trade practices and franchising, intellectual property and franchising, dispute resolution between franchisor and franchisee, taxation and stamp duty considerations, and international franchising.

**Indonesian Trade and Investment Law 77739**

(1 semester, {a}{c}{ib}{if}{t})

This subject provides an overview of the legal system of Indonesia, with particular emphasis on trade and investment law. Topics will include the Indonesian legal system; business organisation; joint ventures; securities law; foreign investment; land law; exchange control and litigation and arbitration.

**International Banking and Financial Law 77724**

(2 semesters, {c}{ib}{if})

The subject comprises an advanced study of monetary systems; monetary obligations; foreign money obligations; the problem of the governing law; sovereign risk; exchange control; covenants; default and types of finance.

**International Business Transactions 77703**

(2 semesters, {c}{ib}{if})

Topics include international trade law; transport of goods; taxation of international business transactions; financial aspects; foreign investment law; extraterritoriality; international business contracts and dispute settlement.

**International Commercial Arbitration 77751**

(1 semester, {adr}{c}{ib})

Topics include Ad Hoc arbitrations; relevant legislation and international conventions; International Institutional Arbitration Associations; scope, formal requirements and validity of agreement to arbitrate; drafting in regard to ICSID arbitrations; curial intervention; compulsory reference of an international commercial dispute to

arbitration in Australia; drafting stabilisation and re-negotiation clauses; composition of the arbitral tribunal; the language of arbitration; award of damages in international arbitration; sovereign immunity; international standard construction contracts; power of the international arbitral tribunal to deal with defaults, delaying tactics or refusal of a member to participate in the making of an award; provisions for correcting international commercial arbitration award; recourse against award under the UNCITRAL model law; recognition and enforcement of foreign arbitral award under the UNCITRAL model law and the New York Convention; liability of the arbitrator for negligence and/or wilful neglect of duty.

**International Commercial Dispute Resolution 77717**

(2 semesters, {adr}{c}{ib})

The topics covered include negotiation in commercial conflict situations; cross-cultural commercial negotiations; trans-national aspects of arbitration; arbitration as contract; statutory regulation of arbitration; international arbitration law; negotiating with the Japanese; the role of Dispute Resolution Centres; arbitration institutions and drafting and analysing arbitration agreements. A compulsory component of the course is a three day ADR Skills Workshop.

**International and Comparative Law Project 77710**

(2 semesters)

Because of career commitments, most practising lawyers are unable to undertake postgraduate work overseas, and therefore miss the advantages of studying in a different culture and environment. In an endeavour to redress this, the Faculty offers the International and Comparative Law Project. This subject permits a candidate to undertake an approved course of study overseas of a limited duration, and credit this towards the LL.M by Coursework or SJD programme. Upon return to Australia, the candidate must present evidence of work completed which will be assessed; further written work may be required.

The Faculty has approved programmes of study in various locations in Europe with the Hague Academy of International Law and Santa Clara University Law School. Other programmes are available, or students may submit proposals for alternative programmes. Further details may be

obtained from Anne Maree Payne, the Faculty's Graduate Courses Officer.

### **International Economic Law 77701**

(1 semester, {c}{ib}{if}{t})

The subject is designed to develop an understanding of the law governing the international economy and relations between participants in that economy. The concept of international economic law will be examined, and topics will include specific resource issues such as the common heritage, the deep sea bed, Antarctica; international legal regulation of investment, finance and trade; the institutions - IMF, GATT, IBRD and the relationship between national and international economic law involving such concepts as extraterritoriality, sovereign immunity, etc.

### **International Taxation 77720**

(2 semesters, {c}{ib}{if}{t})

This subject considers the following topics: changes enacted and proposed since the 1985 Tax Reform measures; impact of international tax changes on Australian businesses; capitalisation and foreign controllers; the foreign credit tax system and imputation system; Australian measures against tax havens; taxation of foreign service income; relocation of corporate residence off-shore; tax consequences of international information flows; non-resident trusts; transfer-pricing; enforcement and compliance moves by the Australian Taxation Office; New Zealand and US experiences and controlled foreign corporations.

### **International Trade Law 77716**

(2 semesters, {c}{ib})

Topics include the sale of goods; representation overseas; finance; export credits and insurance; carriage of goods; arbitration and litigation; customs law and international trade regulation.

### **Japanese Law 77723**

(1 semester, {a}{c}{ib})

The subject involves an examination of the role of law in Japan; the building of the modern Japanese legal system; judicial control / review of government action; tort law, commercial and contract law; the legal profession in Japan and the role of foreign lawyers; the litigation process; company law; establishing a business in Japan; foreign exchange and foreign trade control law; industrial relations and issues in Australia - Japan legal relations.

### **Law and Medicine 77734**

(2 semesters, {p})

This subject deals with the areas of law which interact with the practice and administration of medicine and other health services. It includes medical negligence; consent; medical records; expert medical evidence in criminal and civil cases; the law of medical ethics; legal aspects of mental health and intellectual disability including legal capacity and the rights of the mentally ill and intellectually handicapped generally.

### **Maritime Law 77705**

(2 semesters, {c}{ib}{it})

This subject is divided into two main areas - admiralty law and the law pertaining to the carriage of goods by sea. In both cases, reference will be made to pertinent international conventions and their adoption (or otherwise) in Australia, as well as to current international deliberations. Within the first main group of topics, the areas of admiralty law studied include safety; registration, nationality and ownership of ships; sale and purchase of ships; securities (mortgages and maritime liens); admiralty jurisdiction; collisions and limitation of liability; salvage, towage and pilotage; maritime employment. The second main group of topics examines the regulation of shipping conferences, and the rights and obligations of parties to contract for the carriage of goods by sea (carrier and shipper), with special reference to charter parties and bills of lading. The areas studied include anti-trust laws, the Hague Rules, seaworthiness and the duty to take care of cargo, demurrage, general average, freight, and marine insurance. Problems associated with intermodal transport operations will also be discussed.

### **Negotiation 77745**

(1 semester, {adr})

This subject will teach the theoretical and practical aspects of negotiation at an advanced level. It is designed to provide an understanding of the processes of negotiation and the theories of methods and approaches to negotiation. Topics to be covered include communication and behavioural factors in negotiation; strategies and positional bargaining; structures; variables - power imbalances, cross-cultural issues and political limitations; multi-party negotiations and an overview of the use of negotiation in commerce and the community.

**Pacific Rim Dispute Resolution 77747**

(1 semester, {adr})

This subject focuses on the theoretical and practical aspects of applied dispute resolution. The subject will address the use of dispute resolution in the context of dealings with our Pacific neighbours, and will concentrate on the various methods of negotiation and mediation required in the context of commercial and legal interaction with Pacific Rim countries. Skills in cross-cultural negotiation will be developed. Topics to be covered include negotiation of joint ventures and contracts; enforcement of agreements and contracts; establishment of Pacific Rim rules and case studies of dispute resolution in Japan, Malaysia, Korea, China and Indonesia.

**Patent Law of Australia 77726**

(2 semesters, {ip})

This subject provides candidates with an opportunity to study the current law and practice relating to the protection of industrial property rights in inventions and technological advances. Topics include: confidential information; history of patents for inventions; current legislation and reform; subject matter; right to apply; employees' inventions and joint ownership; form of application; specifications and fair basing; novelty and obviousness; opposition; grounds of invalidity; Crown use; patents of addition; extensions of term; Patent Conventions; infringement; licences; assignment; remedies and penalties and the value of the patent system in the economy.

**Planning and Development Law 77709**

(2 semesters, {p})

Topics in this subject include government involvement in the planning and development process as developer and as intervener; executory discretions in the development process; individual participation in the planning process; review of decisions; costs of environmental protection; a case study for the interaction between private rights and public interests; a case study for the interaction of planning law and environmental concerns and recent developments.

**Research Paper 77740**

(1 semester)

The Research Paper is open to all LL.M and SJD candidates, but does not fulfil the Faculty's requirements for the awarding of Honours within the LL.M. Candidates must submit a proposed topic to

the Faculty for approval. Candidates are then required to undertake a research paper of approximately 10,000 - 15,000 words of a standard suitable for publication. The Research Paper is subject to rules approved by the Faculty Board.

**Research Project 77725**

(2 semesters)

Candidates for the LL.M with Honours must undertake the Research Project; however, the Research Project is open to all candidates for the LL.M or SJD. Candidates undertaking the Research Project must research and write a paper of approximately 20,000 to 30,000 words of a standard suitable for publication, on a topic approved by the Faculty. In most cases the Research Project will extend and develop research done in one or more of the LL.M or SJD subjects already undertaken, but in appropriate circumstances a candidate may undertake a new topic. The Research Project is subject to rules approved by the Faculty Board; copies of the rules are obtainable from the Graduate Courses Officer.

**Restrictive Trade Practices 77721**

(2 semesters, {c})

This subject is an advanced study of recent directions in trade practices law including monopolisation, mergers, exclusive dealing, and re-sale price maintenance.

**Tax Procedures, Sales Tax and Stamp Duties 77713**  
(2 semesters, {c}{t})

The topics covered include the Commissioner's powers to obtain information; imputation of tax; administrative law and tax; tax avoidance; tax appeals and objections; sales tax and stamp duties.

**Trade Marks Law 77728**

(2 semesters, {ip})

The subject comprises a study of the law relating to protection of goodwill and reputation in marketing and trading in goods and services. Topics include protection at common law; passing off; slander of title; slander of goods; unfair competition; misleading or deceptive conduct under the Trade Practices Act 1974; Trade Mark legislation; right to apply; purposes of registration; distinctiveness; deception and confusion; the possibility of protection for misappropriation rather than confusion; division of the register; defensive registration; certification marks; infringement; assignment; the registered user system; the



exploitation of marks; remedies; international conventions and commercial counterfeiting.

### **Victim-Offender Dispute Resolution 77748**

(1 semester, {adr})

This subject is designed to cover the theory and practical implications of using the newer dispute resolution processes, particularly mediation, in the criminal justice system. Programmes in the UK, Canada and the USA utilising these processes will be examined. Issues to be addressed include theoretical implications for the criminal justice system and for sentencing theory; rights of victims; drafting a programme for a pilot project in NSW and future directions for victim/offender dispute resolution in Australia and overseas.

### **Welfare Law 77708**

(2 semesters, {p})

This subject examines legal developments from government policies to reduce inequalities on the distribution of resources and the provision of access to justice. There will be a consideration of Federal social security system; veterans' administration; international declarations and treaties relevant to children; tenancy law and practice; housing policy and access to justice through the provision of legal aid.

## **GENERAL INFORMATION FOR COURSEWORK CANDIDATES**

### **Assessment**

Assessment in LL.M and SJD subjects involves a variety of methods including a 15,000 word research paper or papers requiring high standards of legal scholarship, seminar participation, and seminar presentation. Examinations may form a small percentage of the total marks in any subject.

### **Intake**

SJD and LL.M by Coursework candidates may apply for admission at four stages throughout the year: at the beginning of the Summer, Autumn, Winter and Spring semesters. The majority of the subjects listed commence in the Autumn semester; a limited number of subjects will be offered in the other semesters. Information concerning forthcoming subjects may be obtained from Anne Maree Payne, the Faculty's Graduate Courses Officer.

### **Summer Term/Winter Term**

The Faculty of Law and Legal Practice offers certain of its post-graduate subjects in an intensive attendance mode in the Summer or Winter Semesters. In these subjects, contact hours are equivalent to those of one or two semester subjects, but lectures are held daily over a two or four week period. Candidates are required to commence preparation in advance of the lectures, and complete their assessment in the semester following the period of attendance.

### **Subjects in other Law Schools and Universities**

Subject to appropriate approvals, credit may be given for a subject or subjects undertaken in other LL.M programmes. Up to one half of the LL.M by Coursework degree and half of the coursework component for the SJD may be undertaken at another university. A formal application should be made to the Faculty. Applications to take subjects at non-Australian universities will also be considered.

Subjects undertaken will be assessed for the purpose of allocation to an appropriate concentration within the LL.M by Coursework.

On occasions, LL.M or SJD coursework may include a subject chosen from an LL.B programme, or from undergraduate or post-graduate programmes of other schools or institutions, with additional prescribed research work. For example, in an LL.M or SJD undertaken in the field of restrictive trade practices law, it may be appropriate for a candidate to undertake a subject in economics at an undergraduate level.

### **Exemptions**

Exemptions cannot be claimed for subjects completed towards another degree. Students who are enrolled in post-graduate law studies at another university and elect to transfer to UTS may apply for exemptions for the subjects undertaken towards the degree they are currently enrolled in. All applicants seeking exemptions should contact the Graduate Courses Officer before submitting an application.

### **Non-Award Students**

Subject to the availability of places, appropriately qualified persons may seek admission to the Faculty's post-graduate coursework programmes as extension or non-degree students. This category includes people with an interest in a particular area, e.g. Air Law, who do not necessarily wish to

complete a post-graduate degree in law.

For further information contact Mrs Pamela Johnston, the External Award/Extension Studies Officer, PH 330 1584.

### External Students

Depending on availability of places, the LL.M/SJD subjects are open to students undertaking post-graduate law studies at other universities.

For further information contact the Faculty, or the External Award/Extension Studies Office, PH: 330 1584.

### Fees

Fees for Australian citizens and permanent residents are presently prescribed at \$500 per one semester LL.M or SJD subject. Payment of fees ensures an exemption from liability for the Higher Education Contribution Scheme (the "graduate tax"). The payment of fees in excess of \$250 may qualify a student for a deduction for income tax purposes.

In addition, part-time postgraduate students are charged the usual University services fees. At UTS these are the Students' Association University Union fees and Student Identification Card fees, in 1991 totalling \$191 for new students and \$171 for re-enrolling students.

Extension (non-award) students who do not intend to complete a degree pay an equivalent fee per LL.M or SJD subject, but are exempt from the University's service fees.

### Training Guarantee Levy

Under recent Commonwealth legislation, employees with a national pay-roll of \$200,000 are required to spend one percent of their pay-roll on employee training. This training must accord with an approved masterplan.

Payment of post-graduate coursework fees may form part of a masterplan for employers of practising lawyers.

### Scholarships & Prizes

Information on outside scholarships and Commonwealth Post-graduate Awards may be obtained from the Graduate Courses Officer or the Academic Registrar.

The following is a list of prizes awarded for the Master of Laws by Coursework or the Doctorate of

Juridical Science. These prizes may be awarded each semester but will only be awarded if there is a candidate who reaches a level of academic achievement acceptable to the Faculty Board in Law and Legal Practice.

| DONOR/NAME OF PRIZE                | VALUE      | AWARDED FOR   |
|------------------------------------|------------|---|
| The Phillips Fox Prize for Air Law | \$200      | This prize was established in 1990 and is awarded each year to the student who attains the highest mark in the subject Air Law.   |
| The CCH Book Prize for Air Law     | Book Prize | This book prize was established in 1990 and is awarded to the student who attains the second highest mark in the subject Air Law. |

Prizes are awarded at the prize ceremony held at the School of Law in May of the following year.

### Mandatory Continuing Legal Education

Participation in post-graduate study may entitle candidates to MCLE points. For further details contact the Graduate Courses Officer.

### 4. MASTER OF LAWS BY THESIS

A candidate for the Master of Laws by Thesis is required to submit a thesis of approximately 40,000 - 60,000 words, representing an original investigation, criticism or review of the field of research, of a standard suitable for publication.

Candidates are required to submit reports to their supervisor each semester, detailing their progress. Candidates may undertake the Master of Laws by Thesis on either an internal or an external basis.

### Admission

Candidates must possess an LL.B, or an equivalent qualification. Intending applicants should contact the Post-graduate Sub-dean, Associate Professor Dr Katrin Cutbush-Sabine, to discuss details of their proposed research programme before submitting their application.

### Eligibility for Award

The Master of Laws by Thesis programme may be completed in a minimum of 4 semesters of full-time study, or 6 semesters of part-time study. The maximum period allowed for completion of the thesis is 6 semesters of full-time study, or nine semesters of part-time study.

Intake

Candidates for higher degrees by Thesis may apply for admission at any stage of the academic year.

## 5. MASTER OF TAXATION

The Master of Taxation course is designed to provide specialist education in the complex area of Taxation, which is a key factor in all activities of modern business. The Master of Taxation will normally involve 5 semesters of part-time study.

### Professional Year Modules and Alternatives

The Master of Taxation programme can be undertaken in two formats. The first incorporates the requirements of the Institute of Chartered Accountants for the Professional Year Programme. These modules may also be undertaken towards the Master of Business (Accounting) and the Master of Business (Accounting and Finance) - for further information on these degree programmes contact the Graduate Courses Officer of the Faculty of Business, Ph: 330 3552.

The Professional Year Programme of the Institute of Chartered Accountants has been revised to accommodate the changing needs of the profession, in particular growing specialisation and increases in the number of members outside public practice. The new Professional Year Programme, which will commence in 1992, has been designed with these issues in mind. The new Programme will provide more flexibility, enabling candidates to specialise in their area of interest. The generalist technical grounding deemed necessary for a chartered accountant is retained, but more flexibility is achieved with advanced elective specialist modules.

Alternatively, the Master of Taxation programme may be undertaken by those who are already members of the ASA or the ICA, or lawyers. In this alternative programme, candidates enrol in additional taxation subjects in place of the Professional Year modules.

### Course Structure

Candidates will undertake a combination of the following subjects, depending on their interests and relevant experience:

| RESEARCH<br>SUBJECT:          | TAXATION<br>SUBJECTS:   |
|-------------------------------|---|
| Advanced Legal<br>Research OR | Advanced Taxation   |
| Applied Legal<br>Research OR  | Contemporary Issues in<br>Taxation  |
| Applied Research<br>Skills OR | Corporate Accounting<br>Issues  |
| Legal Research &<br>Writing   | Customs Duties/Levies<br>EDP Control and Audit<br>Indirect Taxation<br>International Taxation 1<br>International Taxation 2<br>Land Tax & Pay-Roll<br>Tax<br>Stamp Duties<br>Taxation Project 1 & 2 |

Candidates who wish to undertake the Professional Year Programme will also complete the following:

| PROFESSIONAL<br>YEAR (FROM 1992)  | PROFESSIONAL<br>YEAR (PRE 1992)*                      |
|---|---|
| <i>Compulsory Core:</i><br>Accounting 1<br>Accounting 2<br>Taxation<br>Ethics   | Accountancy Module<br>Audit Module<br>Taxation Module |
| <i>Plus one elective:</i><br>Advanced Taxation OR<br>Advanced Audit OR<br>Advanced Insolvency OR<br>Advanced Management Accountancy |   |

\*The pre-1992 Professional Year Programme will not be available from the commencement of the 1992 academic year.

In addition to the elective subjects shown, candidates may choose appropriate subjects from within the LL.M / SJD programmes, e.g. Capital Gains Tax. Candidates wishing to pursue this option must have the approval of the Sub-Dean.

## **SUBJECTS AVAILABLE WITHIN THE MASTER OF TAXATION PROGRAMME**

### **Accounting Module (Professional Year)**

This subject incorporates the topics which are specified in the study guidelines issued by the Institute of Chartered Accounts in Australia for candidates who are undertaking the professional year examination.

### **Advanced Legal Research**

This course is provided for those with basic researching skills associated with Australian domestic law, but who have had no exposure to the law of some of our major trading partners and international law. Topics covered will include a revision of Australian primary sources; primary and secondary sources of the UK, America, Canada, New Zealand and the European Communities and aspects of international law including customary law, treaties, International Court of Justice, and international law organisations.

### **Advanced Taxation**

This subject is concerned with taxation practice. It is not intended to be prescriptive, and variations will be made by the lecturer to cater for the interests of students and to take account of current developments in revenue law. Subjects covered include: recent amendments and case law; fundamentals of tax planning; Section 51 (1); advanced problems; partnerships; trusts; taxation and stamp duty problems in estate management; company - distribution, losses, superannuation and employee benefits; foreign source income and tax havens; alienation of income; Section 260 and legislative techniques to minimise tax avoidance; objections and appeals; other revenue laws.

### **Applied Legal Research**

This subject will be conducted on a workshop / seminar basis. It is designed for students with basic researching skills associated with Australian domestic law, but no exposure to the law of some of our major trading partners and international law. This subject will incorporate a more indepth analysis of the international material than Legal Research or Advanced Legal Research.

### **Applied Research Skills**

This subject reviews univariate statistical techniques, introduces students to multivariate

statistical techniques. Subjects covered include experimental studies and an analysis of their data and computerised databases in Australia and their information content.

### **Audit Module**

This subject incorporates the topics which are specified in the study guidelines issued by the Institute of Chartered Accounts in Australia for candidates who are undertaking the professional year examination.

### **Contemporary Issues in Taxation**

In this subject students will examine the current issues in taxation within the Australian environment. Emphasis will be placed on the important contemporary issues, and this subject will be flexible to respond to the needs of students in understanding the legislation and its implementation in practice.

### **Corporate Accounting Issues**

Topics to be covered include the search for accounting standards; the "state of the art" in disclosure policy; capital markets and financial information and future trends in corporate disclosure policy.

### **Customs Duties/Levies**

Issues to be considered include liability to duty; import licensing and quota; dumping and countervailing duties; bounties; drawback and "by-law for export"; appeal rights and excise duties.

### **EDP Control and Audit**

This subject examines the application of the objectives and procedures of auditing and internal control in the specialised area of EDP oriented information systems. Emphasis is placed on the control which should exist for all aspects of EDP systems regardless of auditors' requirements. The various techniques available to internal and external auditors for gaining the evidence required to reach a justifiable opinion on the systems, and their outputs, is examined.

### **International Taxation 1**

This subject presents a comprehensive explanation of the important issues within the international environment of business. The subject will place emphasis on the more important taxation issues, and will respond to new issues as they arise.

## **International Taxation 2**

International tax planning is one of the key elements in any strategy of expansion. The appropriate tax advice will help avoid pitfalls. This subject will cover issues including a tax treatment of non-residents - industry provisions, royalties, sales in Australia by overseas manufacturers and merchants, ex-Australian profits; withholding tax - interpretative provisions, deemed interest, exclusions, recoupment and anti-avoidance legislation, dividends and interest and international tax avoidance and transfer pricing - anti-avoidance legislation, key elements of Division 13, administrative provisions, and other considerations.

## **Land Tax and Pay-Roll Tax**

This subject is divided into two components. Land Tax will canvas basic principles and the complex legal issues in this tax, including general liability, practical aspects and administration and special matters, e.g. jointly-owned land, "special trusts", etc. The second component will explore complex taxation issues in relation to Pay-Roll Tax, including issues of general liability; group employers; practical aspects and administration and special matters, e.g. relevant contracts, tax concessions, etc.

## **Legal Research and Writing**

This subject aims to develop students skills in legal researching, to encompass all aspects of domestic law, both primary and major secondary sources. Students are also taught to initiate research in one of the secondary sources that are available.

## **Indirect Taxation**

In this subject students will examine the legal and procedural issues arising from the legislation. The subject is structured to examine the general liability to taxation, special matters which arise in the operation of the legislation, and the practical aspects and administration associated with the legislation.

## **Stamp Duties**

This subject will give a general overview of stamp duty, the means by which stamp duty is imposed, and the major instruments and transactions which are subject to duty and most frequently encountered in daily practice. Topics to be covered include imposition and territorial nexus; assessment of duty and consequences of non-stamping; conveyances and transfers; contract splitting Declarations of Trust; settlements, oral transaction duty; goods, wares or merchandise exemption; interest in land-

owning companies and trusts; leases and hiring arrangements and loan securities.

## **Taxation Module (Professional Year)**

This subject incorporates the topics which are specified in the study guidelines issued by the Institute of Chartered Accountants in Australia for candidates who are undertaking the professional year examination.

## **Taxation Project 1 & 2**

In this subject students will undertake research into an aspect of taxation under the guidance of a supervisor, and will submit a paper of 10,000 - 15,000 words, of a standard demonstrating original research.

Students who wish to undertake a more indepth analysis may, with the permission of the Sub-Dean, enrol in Taxation Project 2 over a second semester, and will be required to submit a paper of 20,000 - 30,000 words.

## **Admission**

The basic entry requirements are:

- 1) a degree from a recognised University or College with an appropriate major; or
- 2) completion of a relevant Graduate Diploma at a recognised University or College at a credit average level; or
- 3) satisfaction of the entry requirements set by the Institute of Chartered Accountants for their professional year, or admission criteria set by the Australian Society of Certified Practising Accountants.

Further information is available from Associate Professor Dr Katrin Cutbush-Sabine, the Sub-Dean and Director of Post-Graduate Programmes.

## **GRADUATE BUSINESS-LAW SUBJECTS**

The following law subjects are offered within the graduate programmes of the Faculty of Business, including the Master of Business Administration, Master of Business (Accounting), Master of Business (Accounting and Finance) Master of Business (Employment Relations), Master of Business (Marketing), Graduate Diploma in Accounting and Finance, Graduate Diploma in Employment Relations, and the Graduate Diploma in Marketing. All enquiries about these post-graduate degrees in business should be directed to the Graduate School of the Faculty of Business, Ph: (02) 330 3552.

Faculty of Law post-graduate candidates wishing to undertake these subjects towards their LL.M or SJD programmes should first consult Associate Professor Dr Katrin Cutbush-Sabine.

### **Advanced Industrial Law 79711 \***

This subject develops understanding of the legal regulation of the employer / employee relationship. It instills an awareness of solutions to problems in this field attempted by other legal systems, and an understanding of current problems, and develops skills in the preparation for and presentation of cases before industrial tribunals. It seeks to develop an understanding of our industrial arbitration system and the regulation of wages and working conditions under awards at both the Federal and State levels.

### **Business Law Project 79791**

Students undertaking the Business Law Project will write and present a formal project on an aspect of the law relating to business. There will be no formal lectures; students will select a topic in consultation with the co-ordinator and will be individually supervised.

### **Companies and Securities Law 79733**

This subject explores company law in depth in relation to cases, and provides current information on the field of corporate enterprise. Topics covered include national companies legislation in Australia; ASC policy in practice; reform of company accounting standards; registration of company auditors and liquidators; new procedures for the registration of charges; promoters' contracts; extended duties of directors and executive officers; special investigation.

### **Current Issues in Industrial Law 79753 \***

This subject focuses on current developments and central issues in industrial relations law, ensuring that students are familiar with state-of-the-art knowledge and practice in the field. Topics covered include current legislative changes and proposed changes, common law development, and the latest arbitration and judicial decisions.

### **Employment Legislation 79752 \***

This subject considers in detail the main aspects of the Australian and NSW Industrial Arbitration Acts, together with special legislation concerning Leave with Pay, Workers' Compensation, Occupational Health and Safety, and Anti-Discrimination. A special component of this course is the study of the legislation and common law affecting "industrial disputes".

### **Engineering Law 79737**

The object of this course is to introduce engineers to some of the areas of the law in which they may be involved. Topics covered include advanced contract law; standard form construction contracts and custom-made agreements; collusive tendering practices; Quality Assurance Contracting (AS 2990); contractual limitation of liability for engineers; advanced design liability; the role of the engineering consultant in preventing disputes and preparing for arbitration; copyright considerations in plans, drawings and computer software; rise and fall considerations in engineering projects; advanced aspects of international contracting and dispute resolution and aspects of the Trade Practices Act with regard to collusive tendering practices.

This subject is a component within the Master of Engineering Management. Enquiries concerning this programme should be directed to the Faculty of Engineering, Ph: (02) 330 2611.

### **Finance Law 79775**

This subject aims to enhance student's expertise in modern banking law and practice. Topics covered include the Banking Act and Reserve Bank Act; pre and post Campbell - deregulation, foreign banks, floated currency; banker / customer duties and liabilities; Cheques and Payment Orders Act 1986; Electronic Funds Transfer; mistaken payments; bank lending and securities; legislative framework of bank lending; international transactions and settlements.

### **Industrial Law 79731 \***

This subject provides an understanding of the matters encompassed by industrial law. The common law and subsequent statute law relating to employer and employee are discussed, and an understanding of the legal regulation of the working conditions and pay of Australian employees at both the Federal and State levels is developed. The parameters of industrial law, and the employer / employee relationship in both the individual and collective aspect, are analysed in depth.

### **International Business Law 79742**

This subject covers aspects of the law of the international sales of goods; aspects of the legal environment of the conduct of business abroad; international economic institutions; Australia and its major trading partners; aspects of the anti-trust legislation and incentives to export; fiscal aspects of trade; the protection of Australian industry; foreign investment law; the transnational corporation.

### **Law for Administrators 79732**

This subject aims to examine the laws relevant to administrators and decision-makers. It covers the Constitution's limits and administration; legal rules; implementation of legal rules; judicial controls over administrative decision-making; rule and rule-making in business regulation; tribunals and adjudication; advocacy; administrative law reform; reform of the Australian administrative process.

### **Law for Managers 79749**

Topics to be covered include introduction to the legal system; constitutional aspects; the nature of legal rules; the legislative framework for actions against public or community managers (e.g. tort, contract); administrative law; particular aspects of law referring to public employment and the employment of professionals; aspects of the law concerning legal forms available for community organisations and the tax treatment and responsibilities of boards of managers and trustees.

### **Legal Environment of Business 79729**

#### *Strand I: Emphasis on Trade Practices Law*

The objective of this course is to understand the basic principles of the legal system in Australia and its impact on business; to introduce students to legal reasoning, identification of key issues, and options for dispute resolution;. Topics covered include the Constitution; parliament and government; contract and tort; the law of principal, agent and partnership;

company law; restrictive trade practices and the law of international business in Australia.

#### *Strand II: Emphasis on Computer Law*

This subject addresses the basic principles of law and the legal system in Australia, with emphasis on understanding the law of business and the impact of computers, including issues relating to intellectual property, e.g. copyright protection of computer software.

### **Marketing Legislation in Australia 79741**

This subject aims to acquaint the student with the major pieces of marketing legislation. Topics covered will include the major consumer legislation in Australia including the Trade Practices Act, Fair Trading Act (NSW), Contracts Review Act, Consumer Claims Tribunal Act, and Door to Door Sales Act; product liability in Australia; regulation of advertising; trademarks, passing off, copyright and patents; privacy and credit laws.

### **Readings in International Business Law 79781**

The reading subject is undertaken under the direction of a member of staff. Formal lectures in selected areas may be required, as directed by the supervising lecturer. This subject allows a degree of flexibility in programming for specialised needs of individual students.

\* This subject is a component within the Industrial Law concentration of the Master of Business (Employment Relations) and the Graduate Diploma in Employment Relations. For further details on these programmes contact the Graduate School of the Faculty of Business.

## **GRADUATE CERTIFICATES AND DIPLOMAS:**

### **GRADUATE DIPLOMA IN INDUSTRIAL PROPERTY AND GRADUATE CERTIFICATE IN COMPARATIVE LAW**

#### **6. GRADUATE DIPLOMA IN INDUSTRIAL PROPERTY**

The Faculty offers a coursework programme leading to the award of Graduate Diploma in Industrial Property.

Candidates for the award must satisfactorily complete four subjects. These subjects are

1. Legal Process 72100\*
2. Patent Law of Australia and the Practice of the Patent Office 72101
3. Trade Marks Law of Australia and the Practice of the Trade Marks Office 72102
4. Design Law and Related Intellectual Property Laws of Australia and the Practice of the Design Office 72103

\*Candidates possessing legal qualifications may apply for an exemption from Legal Process. (For detailed descriptions of Graduate Diploma subjects refer to the alphabetical subject listings for the LL.M / SJD).

#### Admission

The Graduate Diploma in Industrial Property is suitable for persons qualified in Science or Engineering who wish to apply for registration as a Patent Attorney. The Diploma is taught and examined at a high standard, and a graduate may apply to the Board of Examiners of Patent Attorneys under the Patent Attorneys' Regulations for exemptions from further examinations in subjects listed in Reg. 10(2) (aa), (b), (c) and (d) referred to Regulation 10(2).

Candidates holding an LL.B or equivalent are also eligible for admission to the Graduate Diploma in Industrial Property. The Diploma is particularly suited for those who wish to obtain detailed knowledge in the rapidly expanding field of Industrial Property Law.

Lawyers may wish to undertake the same subjects as part of a concentration in industrial property in the LL.M by Coursework or the SJD degree.

#### Attendance

The Diploma requires a total of eighteen semester hours of part-time study over two years. Attendance will ordinarily be two or three hours a night on two nights a week for fifteen weeks. Summer/Winter School teaching may become available.

#### Assessment

Graduate Diploma candidates are required to undertake two pieces of assessment per semester:

- (1) An essay on an approved topic of between 3,000 - 4,000 words (40% of assessment)
- (2) A three hour examination (60% of assessment)

Assessment may vary at the discretion of the course co-ordinator.

Candidates undertaking Industrial Property subjects in their LL.M or SJD programmes will be required to submit an essay of 15,000 words per subject (see LL.M / SJD assessment requirements).

#### Fees

Fees for the Graduate Diploma are presently \$1,000 per subject per semester, plus university service fees, which currently total \$191 for new students and \$171 for re-enrolling students.

#### Intake

Candidates may apply to enter the Graduate Diploma in Autumn semester only.

### 7. GRADUATE CERTIFICATE IN COMPARATIVE LAW; LL.M BY THESIS FOR CIVIL LAWYERS

The Faculty offers a coursework programme leading to the award of Graduate Certificate in Comparative Law. Designed for lawyers from civil law jurisdictions, this course explains the basic features of the common law tradition, and particularly its approach to contract law and business transactions. Candidates complete a subject entitled Advanced Comparative Law - The Common Law. The topics treated include: sources of the common law; the development of the common law in England and its reception into Australia; courts and lawyers in Australia; law-finding in the common law; contract law in the common law; Australian public law and aspects of the law regulating business transactions in Australia.

#### Admission

Candidates must hold a bachelor's degree in civil law or be admitted to practice as a lawyer in a civil law jurisdiction. For example, it is considered that civil lawyers on secondment with Sydney law firms are suitable applicants.

Successful completion of the subject Advanced Comparative Law entitles candidates to the award of Graduate Certificate in Comparative Law.

Alternatively, a candidate who has successfully completed the Graduate Certificate programme may, at the discretion of the Sub-Dean, apply to transfer into the LL.M by Thesis programme for Civil Lawyers.

The LL.M by Thesis for Civil Lawyers may be completed internally or externally. Candidates are



encouraged to address an issue of comparative law in their thesis. Candidates who are permitted to transfer to the LL.M are not awarded the Graduate Certificate, but credit is given for the coursework completed.

#### **Fees**

The fee for the Graduate Certificate in Comparative Law for international students is \$3,350. The fee for the LL.M by Thesis for Civil Lawyers for international students is \$10,000. International candidates who are permitted to transfer into the LL.M programme after successfully completing the Graduate Certificate pay a reduced fee of \$6,650 for the LL.M by Thesis for Civil Lawyers.

Further information about fees and enrolment for international candidates is available from the Graduate Courses Officer, Ph: (61 2) 330 3427, Fax: (61 2) 330 3421.

#### **APPLICATIONS**

Applications to all postgraduate programmes offered by the School of Law should be made on the University's postgraduate form which may be obtained from:

Graduate Studies  
University of Technology, Sydney  
P.O. Box 123  
Broadway NSW 2007  
PH: (02) 330 1520

or from the

Student Information Service Office  
Level 4  
Tower Building  
Broadway  
PH: 330 1213

or from the

Graduate Courses Officer  
Faculty of Law and Legal Practice  
PH: (02) 330 3427 OR 330 3444

**Applicants are also required to complete an additional information sheet and to enclose a curriculum vitae with their application.**

Completed applications should be posted or delivered to:

The Graduate Studies Officer  
UTS  
PO Box 123  
Broadway NSW 2007.

#### **Overseas Students**

Applicants from overseas are required to have an adequate proficiency in oral and written English. Details of fees and other requirements and application forms may be obtained from

The Director  
International Programmes  
University of Technology Sydney  
PO Box 123  
BROADWAY NSW 2007  
PH: 61 2 330 1534

### **INTERNATIONAL AND COMMERCIAL LAW CENTRE**

#### **OBJECTIVES**

The International and Commercial Law Centre emanates from the Faculty of Law and Legal Practice, University of Technology, Sydney, and maintains close links with the legal profession, the commercial community generally and with the wider international arena. The idea for the Centre evolved from views in the Faculty that there is a role to be filled in assisting, in even a small way, in integrating Australia into the wider Pacific Rim and European regions. In particular, it is felt that a Centre such as that which has evolved can facilitate the dissemination of knowledge about commercial law and foreign legal systems. These objectives will go some way to establishing Sydney as a major international and commercial centre.

The Centre's activities promote the internationalisation of our legal profession, and should ultimately have an impact in creating closer relations with Australia's trading partners. The Centre exports legal knowledge which will help raise Australia's profile in the immediate area and world-wide, and will also perform the much-needed function in Sydney of facilitating the collection and dissemination of knowledge concerning rapidly evolving commercial law areas such as banking and financial law, international taxation, and corporate securities and regulation, which have increasing international implications.

## ADVISORY BOARD

The Centre is advised by an Advisory Board of eminent lawyers from the private profession, government, and the business community. The Centre's Patron is Sir Laurence Street, AC KCMG, and Chairman of the Advisory Board is Mr Ian Hutchinson, Freehill Hollingdale & Page. The Advisory Board is comprised of

- Mr Peter Banki, Phillips Fox
- Mr Frank Hooke, Baker & McKenzie
- Mr Stan Howard, Mallesons Stephen Jaques
- Mr Hugh Jamieson, Allen Allen & Hemsley
- Mr Paul Mazoudier, Minter Ellison
- Mr Alan Rose, Secretary, Commonwealth Attorney General's Department
- Dr Dominique de Stoop, Assistant Secretary, Department of Trade & Foreign Affairs
- Mr Laurie Glanfield, NSW Attorney General's Department
- Mr John O'Neill, Managing Director, State Bank
- Mr John Pascoe, Managing Director, George Weston Foods Ltd
- Professor Gus Guthrie, Vice-Chancellor, UTS
- Professor David Flint, Dean, Faculty of Law and Legal Practice, UTS
- Dr Rowena Daw, Faculty of Law and Legal Practice, UTS

The Director of the Centre is Associate Professor Dr Katrin Cutbush-Sabine.

## ACTIVITIES

The Centre publishes the Australian International Law News and Lawasia, and provides on-going support to post-graduate programmes (LL.M and SJD) within the Faculty of Law and Legal Practice. The Centre also provides a post-graduate legal education programme for lawyers from civil law jurisdictions. The Centre is currently engaged in a joint venture with the Insearch Language Centre, UTS, to provide a post-graduate course for lawyers and businessmen on Japanese commercial law, business culture and language. Seminars sponsored by the Centre include:

- **Free Movement of Goods: A Comparative Approach**, which focused on recent developments in Australia and overseas in the area of international trade law.
- **Air Law: Whither Warsaw ? and Deregulation of the Aviation Industry**, which featured key-note speaker Professor Bin Cheng, Emeritus Professor of Air and Space Law at the University of London, and United Airlines Visiting Professor of Air Law, UTS, one of the world's foremost authorities in Aviation Law.
- **The European Community and Australia**, in association with the Australian Council for Europe, sponsored by Freehill Hollingdale & Page. The seminar featured Sir Gordon Slynn, Visiting Professor of Law at UTS, Judge of the European Court of Justice.
- **Product Liability: Practice and Policy in the 90's**, in association with, and sponsored by, Willis Faber Johnston & Higgins, Limited.
- **International Financial Law and Markets**, in association with the Australian Council for Europe. Speakers included Justice Andrew Rogers, Chief Judge of the Commercial Division, Supreme Court of NSW, and Professor Dr Hugo J Hahn, Chairman of the International Monetary Law Committee of the International Law Association.
- **Defamation Law Reform - The Attorneys'-General Proposal**, in association with the Australian Press Council. Key-note speaker was the Honourable John Dowd, MLA, and the commentator was Mr Bruce Burke, a leading defamation lawyer.
- **Japanese Property Investment in Australia: Legal Implications, Negotiations and Dispute Resolution**. Speakers included Dr William Purcell, Director of the Japanese Economic and Management Studies Centre, UNSW; Dr

Robert March, Visiting Fellow in International Business, UTS; Mr Charles Koyama, Senior Associate, Minter Ellison; Mr Paul Davis, Partner, Baker & McKenzie; and Mr Philip Porter, Director, Insearch Language Centre, UTS.

- **Tainted Evidence: A Comparison of Practice in the Republic of Ireland and Australia.** This seminar was held in Dublin in conjunction with the admission of a group of Australian barristers to the Irish Bar. The seminar was chaired by Justice Niall McCarthy, Mr John Dowd QC, and Associate Professor Cutbush-Sabine; speakers included Mr John Murray SC, the Attorney-General of Ireland, and Mrs Justice Susan Denham. The theme of the seminar was the developments of the law in Ireland and Australia in relation to tainted evidence.

Forthcoming Centre seminars include **New Copyright Law in China. An introduction to and Practical Analysis of the Chinese Copyright Law 1990**; a series of three seminars on international financial law - **Practising International Monetary Law - European and International Perspectives, The European Monetary System, The European Central Bank - a Key to European Monetary Union or Target ?; Corporate Insolvency; Section 52 Trade Practices Act; Intellectual Property Law; Telecommunications Law and Immigration Law.** Further information is available from Anne Maree Payne, Executive Assistant, International and Commercial Law Centre, PH: (02) 330 3427, FAX: (02) 330 3421.

#### **SPONSORSHIP**

The ICLC is sponsored by the Faculty of Law and Legal Practice of the University of Technology, Sydney, and by corporate sponsorship. Current sponsors of Centre activities include:

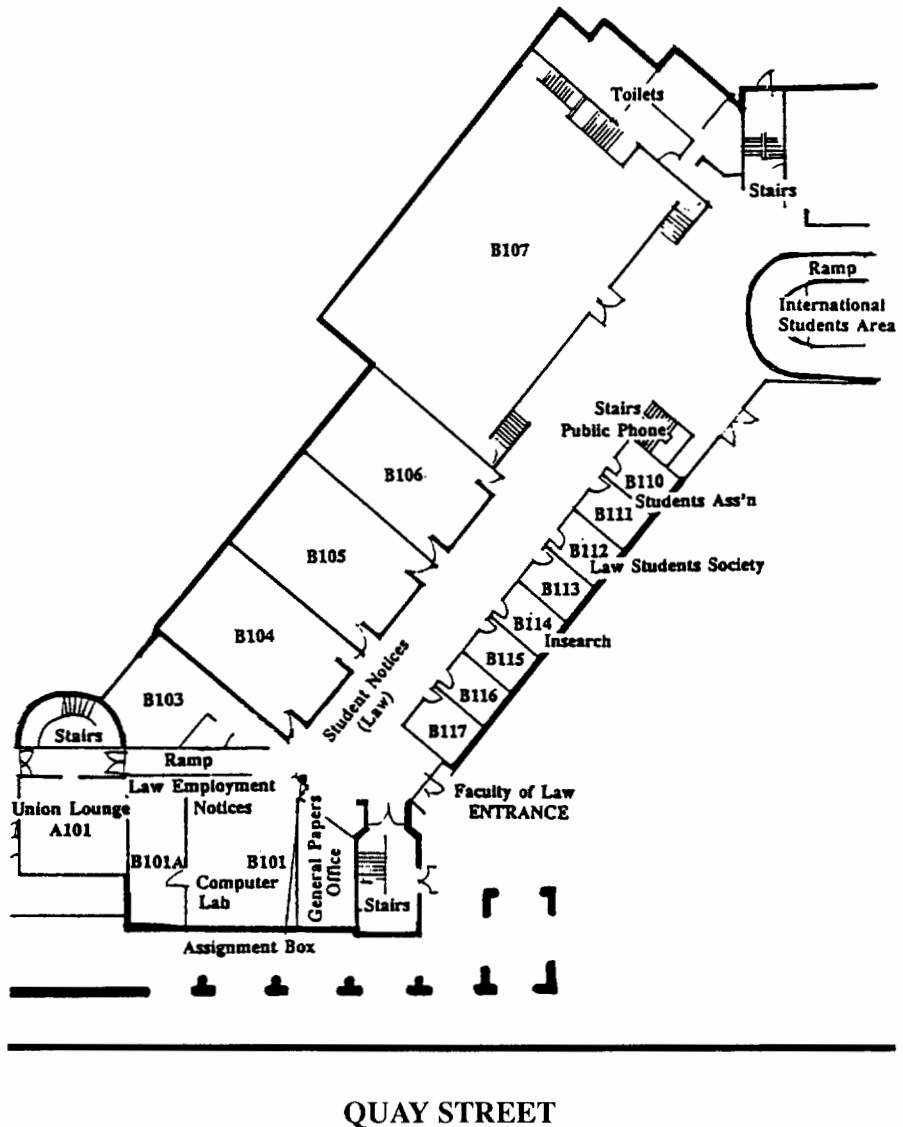
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sponsorship of specific seminars, workshops, international forums or course programmes. These activities attract a high profile audience and represent valuable sponsorship vehicles.

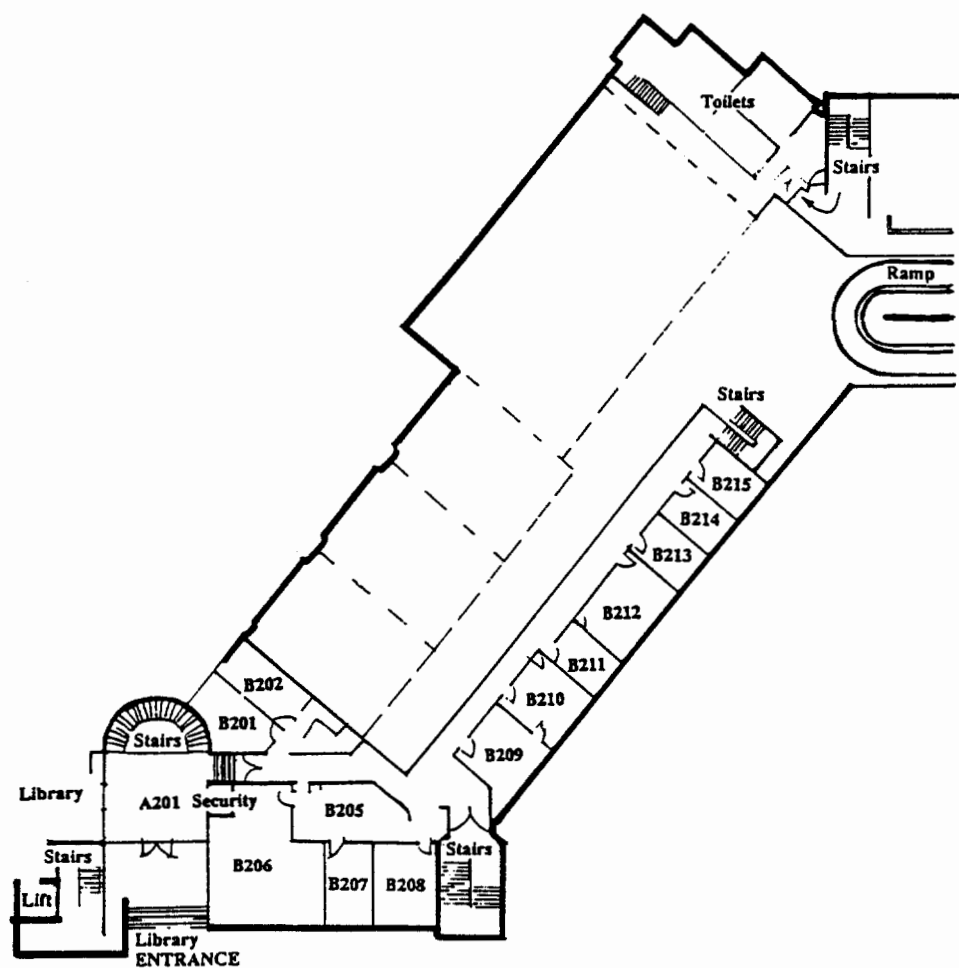
As a commercially aware organisation, the Centre welcomes sponsorship enquiries from interested parties. Sponsorship enquiries should be directed to the Director of the Centre, **Associate Professor Dr Katrin Cutbush-Sabine, PH: (02) 330 3442 or (02) 330 3444.**

Major sponsorship opportunities are available in connection with the Centre's activities, including

Faculty of Law and Legal Practice  
• Level 1, Block B, Building 5



Faculty of Law and Legal Practice  
• Level 2, Block B, Building 5







Public Affairs and Publications Unit  
University of Technology, Sydney

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